

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

ENGROSSED

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

LLS NO. 19-0516.01 Bob Lackner x4350

HOUSE BILL 19-1108

HOUSE SPONSORSHIP

Liston and Hooton, Catlin, Coleman, McKean, Rich, Singer, Wilson

SENATE SPONSORSHIP

Tate, Ginal

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO EXPAND THE ABILITY OF NONRESIDENT**
102 **ELECTORS TO PARTICIPATE IN THE GOVERNANCE OF SPECIAL**
103 **DISTRICTS, AND, IN CONNECTION THEREWITH, ALLOWING**
104 **NONRESIDENT ELECTORS WHO OWN TAXABLE PROPERTY WITHIN**
105 **THE SPECIAL DISTRICT TO VOTE IN SPECIAL DISTRICT ELECTIONS**
106 **AND ALLOWING SUCH ELECTORS TO SERVE ON SPECIAL DISTRICT**
107 **BOARDS IN A NONVOTING CAPACITY.**

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://leg.colorado.gov>.)

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

HOUSE
Amended 2nd Reading
February 15, 2019

Section 1 of the bill expands the definition of "eligible elector", as used in reference of persons voting in special district elections, to include a natural person who owns, or whose spouse or civil union partner owns, taxable real or personal property situated within the boundaries of the special district or the area to be included in the special district and who has satisfied all other requirements in the bill for registering to vote in an election of a special district but who is not a resident of the state.

Section 2 prohibits a person from voting in a special district election unless that person is an eligible elector as defined by the bill. The section also requires any natural person desiring to vote at any election as an eligible elector to sign a self-affirmation that the person is an elector of the special district. The bill specifies the form the affirmation must take.

Section 3 specifies procedures by which the eligible elector who is an eligible elector in another state becomes registered to be able to vote in the special district election. This section also contains an affirmation to be executed by the voter upon completing his or her application for registration. The oath or affirmation must be notarized by the elector.

Section 3 also permits any special district organized under the laws of the state, upon passage of a resolution by the board of the district (board), to allow an elector whose eligibility has been established through the procedures specified in the bill to vote for candidates for the board of directors of the special district. The bill makes clear that no person who is designated as an eligible elector is permitted to cast a ballot at any special district election without first having been registered within the time and in the manner required by the bill. The bill only applies to a special district whose board, by resolution, permits an eligible elector who is not a resident of the state to vote in elections of the special district.

A person who is designated as an eligible elector in accordance with the bill is only permitted to vote in an election of the special district with which the person has registered and for a candidate for the board of directors of the special district who is listed on the ballot of the special district with which the elector is registered. A person who is designated as an eligible elector in accordance with the bill is only permitted to vote for candidates for the board and is not authorized to vote for any other candidates or ballot issues or ballot questions that may appear on the regular ballot of the special district.

The bill describes procedures by which an eligible elector who is a resident of another state registers to vote with the special district.

The form used to register an eligible elector under the bill must contain a question asking the elector to confirm that he or she desires to receive a ballot from the special district. Unless the elector has executed the form to indicate that he or she desires to receive a ballot from the special district, the designated election official is not required to send a ballot to the elector. The special district is solely responsible for

maintaining the list of nonresident owners of property within the special district who are eligible to vote in an election of the special district.

Section 4 authorizes each special district board to select, in an exercise of its own discretion and by majority vote of the board's voting members, one or more additional board members, each of whom shall serve as a nonvoting member of the board. A member of the board appointed for this purpose must be a person who is a nonresident of the state but is otherwise eligible to cast a ballot in elections of the special district in accordance with the bill. A board with 3 members may appoint no more than one nonvoting member of the board. A board with 5 members may appoint no more than 2 nonvoting members of the board. The term of such board members is 4 years subject to renewal of one or more additional 4-year terms in the discretion of a majority of the voting members of the board. Any board member appointed for this purpose may be removed for cause at any time by a majority of the voting members of the board.

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

2 **SECTION 1.** In Colorado Revised Statutes, 32-1-103, **add** (5)(f)
3 as follows:

4 **32-1-103. Definitions.** As used in this article 1, unless the context
5 otherwise requires:

6 (5) (f) "ELIGIBLE ELECTOR" ALSO MEANS A NATURAL PERSON WHO
7 OWNS, OR WHOSE SPOUSE OR CIVIL UNION PARTNER OWNS, TAXABLE REAL
8 OR PERSONAL PROPERTY SITUATED WITHIN THE BOUNDARIES OF THE
9 SPECIAL DISTRICT OR THE AREA TO BE INCLUDED IN THE SPECIAL DISTRICT
10 AND WHO HAS SATISFIED ALL REQUIREMENTS PROVIDED BY LAW FOR
11 REGISTERING TO VOTE IN AN ELECTION OF A SPECIAL DISTRICT IN
12 ACCORDANCE WITH SECTIONS 32-1-806 AND 32-1-806.5, BUT WHO IS NOT
13 A RESIDENT OF THE STATE.

14 **SECTION 2.** In Colorado Revised Statutes, 32-1-806, **amend** (1)
15 and (4); **repeal** (3); and **add** (2.5) as follows:

16 **32-1-806. Persons entitled to vote at special district elections.**

1 (1) No person shall be permitted to vote in any election unless that
2 person is an eligible elector as defined in section 32-1-103 (5)(a) OR
3 (5)(f).

4 (2.5) (a) ANY NATURAL PERSON DESIRING TO VOTE AT ANY
5 ELECTION AS AN ELIGIBLE ELECTOR PURSUANT TO SECTIONS 32-1-103
6 (5)(f) AND 32-1-806.5 SHALL SIGN A SELF-AFFIRMATION THAT THE PERSON
7 IS AN ELECTOR OF THE SPECIAL DISTRICT. THE SELF-AFFIRMING OATH OR
8 AFFIRMATION MUST BE ON A FORM THAT CONTAINS IN SUBSTANCE THE
9 FOLLOWING:

10 "I, (PRINTED NAME), WHO RESIDES AT (ADDRESS), AM AN
11 ELECTOR OF THIS (NAME OF SPECIAL DISTRICT) DISTRICT AND DESIRE TO
12 VOTE AT THIS ELECTION. I AM NOT A RESIDENT OF THE STATE OF
13 COLORADO BUT I AM A RESIDENT OF THE STATE OF _____, COUNTY OF
14 _____, AND AM ELIGIBLE TO VOTE IN THE STATE OF _____. I DO
15 SOLEMNLY SWEAR (OR AFFIRM) THAT I AM QUALIFIED TO VOTE IN THIS
16 SPECIAL DISTRICT ELECTION AS:

17 _____ THE OWNER OF TAXABLE REAL OR PERSONAL PROPERTY SITUATED
18 WITHIN THE BOUNDARIES OF THE SPECIAL DISTRICT OR AREA TO BE
19 INCLUDED WITHIN THE SPECIAL DISTRICT; OR

20 _____ A PERSON WHO IS OBLIGATED TO PAY TAXES UNDER A CONTRACT
21 TO PURCHASE TAXABLE PROPERTY IN THE SPECIAL DISTRICT OR THE AREA
22 TO BE INCLUDED WITHIN THE SPECIAL DISTRICT; OR

23 _____ THE SPOUSE OR CIVIL UNION PARTNER OF (NAME OF SPOUSE OR
24 CIVIL UNION PARTNER) WHO IS THE OWNER OF TAXABLE REAL OR
25 PERSONAL PROPERTY SITUATED WITHIN THE BOUNDARIES OF THE SPECIAL
26 DISTRICT OR AREA TO BE INCLUDED WITHIN THE SPECIAL DISTRICT.

27 I HAVE NOT VOTED PREVIOUSLY AT THIS ELECTION.

1 DATE _____

2 SIGNATURE OF ELECTOR _____."

3 (b) IN ORDER TO VOTE IN A SPECIAL DISTRICT ELECTION IN
4 ACCORDANCE WITH SECTION 32-1-806.5, THE SELF-AFFIRMING OATH OR
5 AFFIRMATION REQUIRED BY SUBSECTION (2.5)(a) OF THIS SECTION MUST
6 BE NOTARIZED BY THE ELECTOR.

7 (3) ~~For electors who vote at any election by mail ballot, the~~
8 ~~affidavit on the envelope of the ballot as required by title 1, C.R.S., may~~
9 ~~be substituted for the self-affirming oath or affirmation required by~~
10 ~~subsection (2) of this section.~~

11 (4) A person who completes the self-affirming oath or affirmation
12 required by subsection (2) OR (2.5) of this section ~~shall be~~ IS permitted to
13 vote, unless such person's right to vote is challenged.

14 **SECTION 3.** In Colorado Revised Statutes, **add** 32-1-806.5 as
15 follows:

16 **32-1-806.5. Registration for specified electors in special**
17 **district election - option for special district to allow owners of taxable**
18 **property within special district who are not state residents to vote for**
19 **district board members - rules - repeal. (1) (a)** ANY SPECIAL DISTRICT
20 ORGANIZED UNDER THE LAWS OF THE STATE MAY, UPON PASSAGE OF A
21 RESOLUTION BY THE BOARD OF THE DISTRICT AT A PUBLIC HEARING,
22 ALLOW AN ELECTOR WHOSE ELIGIBILITY TO VOTE IN A SPECIAL DISTRICT
23 ELECTION IS ESTABLISHED BY SECTION 32-1-806 (2.5) TO VOTE FOR
24 CANDIDATES FOR THE BOARD OF DIRECTORS OF THE SPECIAL DISTRICT IN
25 ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION. SUBJECT TO THE
26 REQUIREMENTS OF THIS SECTION, NO PERSON WHO IS DESIGNATED AS AN
27 ELIGIBLE ELECTOR IN ACCORDANCE WITH SECTION 32-1-103 (5)(f) SHALL

1 BE PERMITTED TO CAST A BALLOT AT ANY SPECIAL DISTRICT ELECTION
2 WITHOUT FIRST HAVING BEEN REGISTERED WITHIN THE TIME AND IN THE
3 MANNER REQUIRED BY THIS SECTION. NO CHARGE SHALL BE MADE FOR
4 REGISTRATION.

5 (b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
6 THIS SECTION ONLY APPLIES TO A SPECIAL DISTRICT WHOSE:

7 (I) BOARD OF DIRECTORS, BY RESOLUTION AT A PUBLIC HEARING,
8 PERMITS AN ELIGIBLE ELECTOR WHO IS NOT A RESIDENT OF THE STATE TO
9 VOTE IN ELECTIONS OF THE SPECIAL DISTRICT IN ACCORDANCE WITH THE
10 REQUIREMENTS OF THIS SECTION; AND

11 (II) REGULAR SPECIAL DISTRICT ELECTION IS NOT CONDUCTED AS
12 PART OF A GENERAL, PRIMARY, OR COORDINATED ELECTION WITHIN THE
13 MEANING OF SECTION 1-1-104 (6.5).

14 (c) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A COUNTY
15 CLERK AND RECORDER IS NOT REQUIRED TO EITHER CONTRACT WITH A
16 SPECIAL DISTRICT THAT PERMITS THE REGISTRATION OF NONRESIDENT
17 ELIGIBLE ELECTORS IN ACCORDANCE WITH SECTION 32-1-103 (5)(f) IN
18 CONNECTION WITH THE PROVISION OF ANY SERVICES OR TO ADMINISTER
19 ANY REGULAR SPECIAL DISTRICT ELECTION CONDUCTED BY SUCH SPECIAL
20 DISTRICT.

21 (2) EACH ELECTOR REGISTERING SHALL SIGN HIS OR HER NAME ON
22 THE REGISTRATION RECORD OR, IF UNABLE TO WRITE, SHALL MAKE A
23 PERSONAL MARK OR BE PROVIDED ASSISTANCE TO MAKE SUCH A MARK BY
24 THE DESIGNATED ELECTION OFFICIAL OR ANY OTHER PERSON AUTHORIZED
25 BY SUCH OFFICIAL OR THE ELECTOR. THE ELECTOR SHALL ANSWER THE
26 QUESTIONS REQUIRED BY SUBSECTION (7) OF THIS SECTION AND SHALL
27 COMPLETE THE SELF-AFFIRMATION REQUIRED BY SUBSECTION (13) OF THIS

1 SECTION. THE DESIGNATED ELECTION OFFICIAL SHALL NOT REGISTER AN
2 ELECTOR WHO FAILS TO COMPLY WITH THIS SUBSECTION (2).

3 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW:

4 (a) AN ELECTOR IS PERMITTED TO VOTE IN ANY SPECIAL DISTRICT
5 ELECTION IF HE OR SHE TIMELY REGISTERS TO VOTE BEFORE OR ON THE
6 DATE OF SUCH ELECTION; AND

7 (b) A PERSON WHO IS DESIGNATED AS AN ELIGIBLE ELECTOR IN
8 ACCORDANCE WITH SECTION 32-1-103 (5)(f) IS ONLY PERMITTED TO VOTE
9 IN AN ELECTION OF THE SPECIAL DISTRICT WITH WHICH THE PERSON HAS
10 REGISTERED UNDER THIS SECTION AND IS NOT PERMITTED TO VOTE IN ANY
11 ELECTION OTHER THAN AN ELECTION CONDUCTED BY THE SPECIAL
12 DISTRICT OR TO VOTE FOR ANY CANDIDATE FOR THE BOARD OF DIRECTORS
13 OF THE SPECIAL DISTRICT UNLESS THE CANDIDATE IS ON THE BALLOT OF
14 THE SPECIAL DISTRICT WITH WHICH THE ELECTOR IS REGISTERED. A
15 PERSON WHO IS DESIGNATED AS AN ELIGIBLE ELECTOR IN ACCORDANCE
16 WITH SECTION 32-1-103 (5)(f) IS ONLY PERMITTED TO VOTE FOR
17 CANDIDATES FOR THE BOARD OF DIRECTORS OF THE SPECIAL DISTRICT
18 WITH WHICH THE ELECTOR IS REGISTERED AND IS NOT AUTHORIZED TO
19 VOTE FOR ANY OTHER CANDIDATES OR BALLOT ISSUES OR BALLOT
20 QUESTIONS THAT MAY APPEAR ON THE REGULAR BALLOT OF THE SPECIAL
21 DISTRICT.

22 (4) AN ELECTOR MAY TIMELY REGISTER TO VOTE BY:

23 (a) SUBMITTING AN APPLICATION THROUGH THE MAIL TO THE
24 DESIGNATED ELECTION OFFICIAL OF THE SPECIAL DISTRICT THROUGH THE
25 EIGHTH DAY PRIOR TO AN ELECTION; EXCEPT THAT, IF THE EIGHTH DAY
26 BEFORE AN ELECTION IS A SATURDAY, SUNDAY, OR LEGAL HOLIDAY, THE
27 ELECTOR IS PERMITTED TO REGISTER ON THE NEXT DAY THAT IS NOT A

1 SATURDAY, SUNDAY, OR LEGAL HOLIDAY; OR

2 (b) APPEARING IN PERSON AT THE OFFICE OF THE DESIGNATED
3 ELECTION OFFICIAL OF THE SPECIAL DISTRICT AT ANY TIME DURING WHICH
4 REGISTRATION IS PERMITTED AT THE OFFICE.

5 (5) TO RECEIVE A BALLOT BY MAIL FOR A SPECIAL DISTRICT
6 ELECTION, AN ELECTOR MUST SUBMIT HIS OR HER VOTER REGISTRATION
7 APPLICATION ON OR BEFORE THE EIGHTH DAY BEFORE THE ELECTION.

8 (6) AN ELECTOR WHO SUBMITS A VOTER REGISTRATION FORM AND
9 HAS NOT PREVIOUSLY VOTED IN THE STATE SHALL:

10 (a) SUBMIT WITH THE VOTER REGISTRATION FORM A COPY OF
11 IDENTIFICATION AS DEFINED IN SECTION 1-1-104 (19.5), THE ELECTOR'S
12 DRIVER'S LICENSE NUMBER, OR THE LAST FOUR DIGITS OF THE ELECTOR'S
13 SOCIAL SECURITY NUMBER; OR

14 (b) SUBMIT A COPY OF IDENTIFICATION AS DEFINED IN SECTION
15 1-1-104 (19.5) WITH THE ELECTOR'S MAIL BALLOT IN ACCORDANCE WITH
16 SECTION 1-7.5-107 (3.5); AND

17 (c) SUBMIT A COPY OF THE NOTARIZED SELF-AFFIRMING OATH OR
18 AFFIRMATION THE ELECTOR HAS EXECUTED PURSUANT TO SECTION
19 32-1-806 (2.5).

20 (7) IN ADDITION TO SUBMITTING THE INFORMATION REQUIRED BY
21 SUBSECTION (6) OF THIS SECTION, EACH ELECTOR SHALL CORRECTLY
22 ANSWER THE FOLLOWING:

23 (a) THE ELECTOR'S NAME IN FULL;

24 (b) THE ELECTOR'S ADDRESS OF RECORD OR DELIVERABLE MAILING
25 ADDRESS IF DIFFERENT FROM THE ADDRESS OF RECORD. A POST OFFICE
26 BOX NUMBER SHALL NOT BE USED AS A DELIVERABLE MAILING ADDRESS
27 FOR THE PURPOSES OF THIS SUBSECTION (7)(b).

1 (c) WHETHER THE ELECTOR IS A CITIZEN OF THE UNITED STATES;

2 (d) THE ELECTOR'S STATE AND COUNTY OF RESIDENCE AND
3 WHETHER THE ELECTOR IS ELIGIBLE TO VOTE IN THE STATE IDENTIFIED;

4 (e) THE ELECTOR'S GENDER IDENTITY, IF THE ELECTOR WISHES TO
5 STATE IT;

6 (f) THE ELECTOR'S DATE OF BIRTH;

7 (g) THE ELECTOR'S DELIVERABLE MAILING ADDRESS IF DIFFERENT
8 FROM THE ELECTOR'S ADDRESS OF RECORD;

9 (h) THE LAST FOUR DIGITS OF THE ELECTOR'S SOCIAL SECURITY
10 NUMBER. IF THE ELECTOR DOES NOT HAVE A SOCIAL SECURITY NUMBER,
11 THE ELECTOR SHALL ANSWER THAT HE OR SHE DOES NOT HAVE A SOCIAL
12 SECURITY NUMBER.

13 (i) WHETHER ANY COMMUNICATION BY MAIL FROM THE
14 DESIGNATED ELECTION OFFICIAL TO SUCH ELIGIBLE ELECTOR SHOULD BE
15 SENT TO THE ELECTOR'S DELIVERABLE MAILING ADDRESS; AND

16 (j) THE QUESTION "DO YOU AFFIRM THAT YOU MEET THE VOTER
17 REGISTRATION QUALIFICATIONS AND THAT THE INFORMATION YOU HAVE
18 PROVIDED IN THIS APPLICATION IS TRUE TO THE BEST OF YOUR
19 KNOWLEDGE AND BELIEF?"

20 (8) IF AN APPLICANT FOR VOTER REGISTRATION HAS NOT BEEN
21 ISSUED A SOCIAL SECURITY NUMBER, THE DESIGNATED ELECTION OFFICIAL
22 SHALL ASSIGN THE APPLICANT A NUMBER THAT WILL SERVE TO IDENTIFY
23 THE APPLICANT FOR VOTER REGISTRATION PURPOSES.

24 (9) THE FORM USED FOR REGISTRATION OF ELIGIBLE ELECTORS
25 MUST CONTAIN A STATEMENT THAT THE APPLICANT SHALL COMPLY WITH
26 THE REQUIREMENTS OF SUBSECTION (7)(h) OF THIS SECTION, THAT AN
27 APPLICANT WHO SATISFIES THE REQUIREMENTS OF SECTION 32-1-103 (5)(f)

1 BUT DOES NOT HAVE A SOCIAL SECURITY NUMBER MAY STILL REGISTER TO
2 VOTE, AND THAT THE DESIGNATED ELECTION OFFICIAL WILL ASSIGN AN
3 IDENTIFYING NUMBER TO SUCH AN APPLICANT FOR VOTER REGISTRATION
4 PURPOSES.

5 (10) IF THE DESIGNATED ELECTION OFFICIAL HAS REASONABLE
6 CAUSE TO BELIEVE THAT AN APPLICANT HAS FALSIFIED ANY ANSWERS TO
7 THE QUESTIONS SET FORTH IN THIS SECTION, THE DESIGNATED ELECTION
8 OFFICIAL SHALL CERTIFY THE SAME TO THE DISTRICT ATTORNEY FOR
9 INVESTIGATION AND APPROPRIATE ACTION.

10 (11) (a) IF THE REGISTRATION RECORD OF A REGISTERED ELECTOR
11 DOES NOT CONTAIN THE LAST FOUR DIGITS OF THE ELECTOR'S SOCIAL
12 SECURITY NUMBER, THE DESIGNATED ELECTION OFFICIAL SHALL REQUEST
13 THE ELECTOR TO PROVIDE THE LAST FOUR DIGITS OF THE ELECTOR'S
14 SOCIAL SECURITY NUMBER. THE REQUEST MAY BE MADE OF THE
15 REGISTERED ELECTOR BY THE DESIGNATED ELECTION OFFICIAL:

16 (I) IN ANY WRITTEN COMMUNICATION BY MAIL FROM THE
17 DESIGNATED ELECTION OFFICIAL TO THE REGISTERED ELECTOR; OR

18 (II) IN MATERIALS TO BE RETURNED BY THE REGISTERED ELECTOR
19 WITH A MAIL BALLOT.

20 (b) NO REGISTERED ELECTOR SHALL BE PROHIBITED FROM VOTING
21 AT ANY ELECTION FOR FAILURE TO PROVIDE THE LAST FOUR DIGITS OF THE
22 ELECTOR'S SOCIAL SECURITY NUMBER OR THE ELECTOR'S FULL SOCIAL
23 SECURITY NUMBER.

24 (c) ANY SOCIAL SECURITY NUMBER OR THE LAST FOUR DIGITS OF
25 A SOCIAL SECURITY NUMBER OF AN ELECTOR THAT IS OBTAINED BY THE
26 DESIGNATED ELECTION OFFICIAL FROM SUCH ELECTOR PURSUANT TO THIS
27 SECTION SHALL BE HELD CONFIDENTIAL AND SHALL NOT BE PUBLISHED OR

1 BE OPEN TO OR AVAILABLE FOR PUBLIC INSPECTION. THE DESIGNATED
2 ELECTION OFFICIAL SHALL DEVELOP APPROPRIATE SECURITY MEASURES TO
3 ENSURE THE CONFIDENTIALITY OF SUCH NUMBERS.

4 (d) THE LAST FOUR DIGITS OF A SOCIAL SECURITY NUMBER
5 DESCRIBED IN THIS SECTION SHALL NOT BE CONSIDERED A SOCIAL
6 SECURITY NUMBER FOR PURPOSES OF SECTION 7 OF THE FEDERAL
7 "PRIVACY ACT OF 1974", PUB.L. 93-579.

8 (12) THIS SECTION DOES NOT APPLY TO A COVERED VOTER, AS
9 DEFINED IN SECTION 1-8.3-102, WHO IS REGISTERING TO VOTE PURSUANT
10 TO SECTION 1-8.3-107.

11 (13)(a) THE REGISTRATION RECORD TO BE SIGNED BY AN ELECTOR
12 REGISTERED TO VOTE IN ACCORDANCE WITH THIS SECTION MUST BEAR THE
13 FOLLOWING STATEMENT:

14 WARNING:

15 IT IS A CLASS 1 MISDEMEANOR:

16 TO SWEAR OR AFFIRM FALSELY AS TO YOUR

17 QUALIFICATIONS TO REGISTER TO VOTE.

18 (b) EACH ELECTOR MAKING APPLICATION FOR REGISTRATION
19 PURSUANT TO THIS SECTION ONLY SHALL MAKE THE FOLLOWING
20 SELF-AFFIRMATION: "I,, AFFIRM THAT I AM A CITIZEN OF THE UNITED
21 STATES AND I AM AT LEAST SIXTEEN YEARS OLD AND UNDERSTAND THAT
22 I MUST BE EIGHTEEN YEARS OLD TO BE ELIGIBLE TO VOTE. I CERTIFY
23 UNDER PENALTY OF PERJURY THAT I MEET THE REGISTRATION
24 QUALIFICATIONS; THAT THE INFORMATION I HAVE PROVIDED ON THIS
25 APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF; AND
26 THAT I HAVE NOT, NOR WILL I, CAST MORE THAN ONE BALLOT IN ANY
27 ELECTION."

1 (c) THE ELECTOR SHALL SIGN THE REGISTRATION RECORD AS
2 EVIDENCE OF THE AFFIRMATION MADE BY THE ELECTOR.

3 (14) THE FORM USED TO REGISTER AN ELIGIBLE ELECTOR UNDER
4 THIS SECTION MUST CONTAIN A QUESTION ASKING THE ELECTOR TO
5 CONFIRM THAT HE OR SHE DESIRES TO RECEIVE A BALLOT FROM THE
6 SPECIAL DISTRICT. NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
7 UNLESS THE ELECTOR HAS EXECUTED THE FORM TO INDICATE THAT HE OR
8 SHE DESIRES TO RECEIVE A BALLOT FROM THE SPECIAL DISTRICT, THE
9 DESIGNATED ELECTION OFFICIAL IS NOT REQUIRED TO SEND A BALLOT TO
10 THE ELECTOR.

11 (15) THE SPECIAL DISTRICT IS SOLELY RESPONSIBLE FOR
12 MAINTAINING THE LIST OF NONRESIDENT OWNERS OF PROPERTY WITHIN
13 THE SPECIAL DISTRICT WHO ARE ELIGIBLE TO VOTE IN AN ELECTION OF THE
14 SPECIAL DISTRICT IN ACCORDANCE WITH THIS SECTION. THE SPECIAL
15 DISTRICT SHALL UPDATE THE LIST ON AN ANNUAL BASIS.

16 (16) THE SECRETARY OF STATE SHALL PROMULGATE RULES IN
17 ACCORDANCE WITH ARTICLE 4 OF TITLE 24 AS MAY BE NECESSARY TO
18 FACILITATE THE EFFECTIVE ADMINISTRATION OF THIS SECTION.

19 (17) THIS SECTION IS REPEALED, EFFECTIVE, JULY 1, 2029.

20 **SECTION 4.** In Colorado Revised Statutes, **add 32-1-806.7** as
21 follows:

22 **32-1-806.7. Verification of signatures of nonresident eligible**
23 **electors - signature verification devices - procedures - training -**
24 **definition.** (1) (a) IN EVERY SPECIAL DISTRICT ELECTION CONDUCTED ON
25 OR AFTER THE EFFECTIVE DATE OF THIS SECTION, AN ELECTION JUDGE
26 SHALL, EXCEPT AS PROVIDED IN SUBSECTION (1)(b) OF THIS SECTION,
27 COMPARE THE SIGNATURE ON THE SELF-AFFIRMATION ON EACH RETURN

1 ENVELOPE WITH THE SIGNATURE OF THE NONRESIDENT ELIGIBLE ELECTOR
2 ON THE NOTARIZED REGISTRATION FORM REQUIRED BY SECTION 32-1-806
3 (2.5) IN ACCORDANCE WITH THIS SECTION.

4 (b) THE DESIGNATED ELECTION OFFICIAL MAY ALLOW AN ELECTION
5 JUDGE TO USE A SIGNATURE VERIFICATION DEVICE TO COMPARE THE
6 SIGNATURE ON THE SELF-AFFIRMATION ON A RETURN ENVELOPE OF A
7 NONRESIDENT ELIGIBLE ELECTOR'S BALLOT WITH THE SIGNATURE OF THE
8 ELECTOR IN ACCORDANCE WITH THIS SECTION.

9 (2) (a) THE ELECTION JUDGE MUST COMPARE THE SIGNATURE ON
10 THE SELF-AFFIRMATION ON EACH RETURN ENVELOPE WITH THE SIGNATURE
11 PROVIDED BY THE NONRESIDENT ELIGIBLE ELECTOR'S NOTARIZED
12 REGISTRATION FORM. THE ELECTION JUDGE MUST RESEARCH THE
13 SIGNATURE FURTHER IF THERE IS:

14 (I) AN OBVIOUS CHANGE IN THE SIGNATURE'S SLANT;

15 (II) A PRINTED SIGNATURE ON ONE DOCUMENT AND A CURSIVE
16 SIGNATURE ON THE OTHER DOCUMENT;

17 (III) A DIFFERENCE IN THE SIGNATURE'S SIZE OR SCALE;

18 (IV) A DIFFERENCE IN THE SIGNATURE'S INDIVIDUAL
19 CHARACTERISTICS, SUCH AS HOW THE "T'S" ARE CROSSED, "I'S" ARE
20 DOTTED, OR LOOPS ARE MADE ON "Y'S" OR "J'S";

21 (V) A DIFFERENCE IN THE ELECTOR'S SIGNATURE STYLE, SUCH AS
22 HOW THE LETTERS ARE CONNECTED AT THE TOP AND BOTTOM;

23 (VI) EVIDENCE THAT BALLOTS OR ENVELOPES FROM THE SAME
24 HOUSEHOLD HAVE BEEN SWITCHED; OR

25 (VII) ANY OTHER NOTICEABLE DISCREPANCY SUCH AS MISSPELLED
26 NAMES.

27 (b) (I) IF AN ELECTION JUDGE MUST CONDUCT FURTHER RESEARCH

1 ON AN ELECTOR'S SIGNATURE, HE OR SHE MUST CHECK THE ADDITIONAL
2 SIGNATURES PROVIDED BY THE NONRESIDENT ELIGIBLE ELECTOR, IF
3 AVAILABLE.

4 (II) AN ELECTION JUDGE MAY COMPARE ADDITIONAL INFORMATION
5 WRITTEN BY THE ELECTOR ON THE RETURN ENVELOPE, SUCH AS THE
6 ELECTOR'S ADDRESS AND DATE OF SIGNING. ANY SIMILARITIES NOTED
7 WHEN COMPARING OTHER INFORMATION MAY BE USED AS PART OF THE
8 SIGNATURE VERIFICATION DECISION PROCESS.

9 (III) IF AN ELECTION JUDGE DETERMINES THAT AN ELECTOR
10 INADVERTENTLY RETURNED HIS OR HER BALLOT IN ANOTHER HOUSEHOLD
11 MEMBER'S BALLOT RETURN ENVELOPE, THE ELECTION JUDGE MUST
12 PROCESS AND PREPARE THE BALLOT OF THE ELECTOR WHO SIGNED THE
13 SELF-AFFIRMATION FOR COUNTING IF IT IS OTHERWISE VALID. THE
14 ELECTION JUDGE NEED NOT SEND A SIGNATURE VERIFICATION
15 DISCREPANCY LETTER TO THE ELECTOR.

16 (c) IF THE ELECTION JUDGE DISPUTES THE SIGNATURE, THEY MUST
17 DOCUMENT THE DISCREPANCY AND THE RESEARCH STEPS TAKEN IN A LOG
18 THAT IDENTIFIES THE ELECTOR ONLY BY NAME AND ELECTOR
19 IDENTIFICATION NUMBER, DOES NOT CONTAIN THE ELECTOR'S SIGNATURE,
20 NOTES THE FINAL RESOLUTION AND BALLOT DISPOSITION, AND IDENTIFIES
21 THE ELECTION JUDGE RESPONSIBLE FOR THE FINAL RESOLUTION AND
22 BALLOT DISPOSITION.

23 (3) (a) IF THE ELECTION JUDGE DETERMINES THAT THE SIGNATURE
24 OF A NONRESIDENT ELIGIBLE ELECTOR ON THE SELF-AFFIRMATION
25 MATCHES THE ELECTOR'S SIGNATURE ON THE NOTARIZED REGISTRATION
26 FORM, THE ELECTION JUDGE SHALL FOLLOW APPLICABLE PROCEDURES
27 CONCERNING THE QUALIFICATION AND COUNTING OF MAIL BALLOTS.

1 (b) IF A SIGNATURE VERIFICATION DEVICE USED PURSUANT TO
2 SUBSECTION (1)(b) OF THIS SECTION DETERMINES THAT THE SIGNATURE ON
3 THE SELF-AFFIRMATION ON A RETURN ENVELOPE OF A NONRESIDENT
4 ELIGIBLE ELECTOR'S BALLOT MATCHES THE SIGNATURE OF THE ELECTOR,
5 THE SIGNATURE ON THE SELF-AFFIRMATION IS DEEMED VERIFIED AND THE
6 ELECTION JUDGE SHALL FOLLOW APPLICABLE PROCEDURES CONCERNING
7 THE QUALIFICATION AND COUNTING OF MAIL BALLOTS.

8 (4) IF, UPON COMPARING THE SIGNATURE OF A NONRESIDENT
9 ELIGIBLE ELECTOR ON THE SELF-AFFIRMATION ON THE RETURN ENVELOPE
10 WITH THE SIGNATURE OF THE NONRESIDENT ELIGIBLE ELECTOR, THE
11 ELECTION JUDGE DETERMINES THAT THE SIGNATURES DO NOT MATCH, OR
12 IF A SIGNATURE VERIFICATION DEVICE USED PURSUANT TO SUBSECTION
13 (1)(b) OF THIS SECTION IS UNABLE TO DETERMINE THAT THE SIGNATURES
14 MATCH, TWO OTHER ELECTION JUDGES SHALL SIMULTANEOUSLY COMPARE
15 THE SIGNATURES AND PROCEED ACCORDING TO SUBSECTION (5) OF THIS
16 SECTION.

17 (5) (a) IF THE TWO OTHER ELECTION JUDGES SPECIFIED IN
18 SUBSECTION (4) OF THIS SECTION AGREE THAT THE SIGNATURE OF A
19 NONRESIDENT ELIGIBLE ELECTOR ON THE SELF-AFFIRMATION MATCHES
20 THE ELECTOR'S SIGNATURE, THE INITIAL ELECTION JUDGE SHALL FOLLOW
21 APPLICABLE PROCEDURES CONCERNING THE QUALIFICATION AND
22 COUNTING OF MAIL BALLOTS.

23 (b) IN THE CASE OF A DISAGREEMENT BETWEEN THE TWO OTHER
24 ELECTION JUDGES AS TO WHETHER THE SIGNATURE OF A NONRESIDENT
25 ELIGIBLE ELECTOR ON THE SELF-AFFIRMATION ON THE RETURN ENVELOPE
26 MATCHES THE SIGNATURE OF THE NONRESIDENT ELIGIBLE ELECTOR
27 PURSUANT TO THE PROCEDURES SPECIFIED IN SUBSECTION (4) OF THIS

1 SECTION, THE SIGNATURES ARE DEEMED TO MATCH AND THE INITIAL
2 ELECTION JUDGE SHALL FOLLOW APPLICABLE PROCEDURES CONCERNING
3 THE QUALIFICATION AND COUNTING OF MAIL BALLOTS.

4 (c) (I) IF BOTH OTHER ELECTION JUDGES AGREE THAT THE
5 SIGNATURES DO NOT MATCH, THE DESIGNATED ELECTION OFFICIAL SHALL,
6 WITHIN THREE DAYS AFTER THE SIGNATURE DEFICIENCY HAS BEEN
7 CONFIRMED, BUT IN NO EVENT LATER THAN TWO DAYS AFTER ELECTION
8 DAY, SEND TO THE NONRESIDENT ELIGIBLE ELECTOR AT THE ADDRESS
9 INDICATED IN THE REGISTRATION RECORDS A LETTER EXPLAINING THE
10 DISCREPANCY IN SIGNATURES AND A FORM FOR THE NONRESIDENT
11 ELIGIBLE ELECTOR TO CONFIRM THAT THE ELECTOR RETURNED A BALLOT
12 TO THE DESIGNATED ELECTION OFFICIAL.

13 (II) (A) IF THE DESIGNATED ELECTION OFFICIAL RECEIVES THE
14 FORM WITHIN EIGHT DAYS AFTER ELECTION DAY CONFIRMING THAT THE
15 ELECTOR RETURNED A BALLOT TO THE OFFICIAL, AND IF THE BALLOT IS
16 OTHERWISE VALID, THE BALLOT MUST BE COUNTED.

17 (B) IF THE NONRESIDENT ELIGIBLE ELECTOR RETURNS THE FORM
18 INDICATING THAT THE ELECTOR DID NOT RETURN A BALLOT TO THE
19 DESIGNATED ELECTION OFFICIAL, OR IF THE NONRESIDENT ELIGIBLE
20 ELECTOR DOES NOT RETURN THE FORM WITHIN EIGHT DAYS AFTER
21 ELECTION DAY, THE SELF-AFFIRMATION ON THE RETURN ENVELOPE MUST
22 BE CATEGORIZED AS INCORRECT AND THE BALLOT SHALL NOT BE
23 COUNTED. AN ORIGINAL RETURN ENVELOPE WITH AN ENCLOSED SECRECY
24 ENVELOPE CONTAINING A VOTED BALLOT THAT IS NOT COUNTED IN
25 ACCORDANCE WITH THIS SUBSECTION (5)(c)(II)(B) MUST BE STORED IN
26 THE OFFICE OF THE DESIGNATED ELECTION OFFICIAL IN A SECURE
27 LOCATION SEPARATE FROM VALID RETURN ENVELOPES AND MAY BE

1 REMOVED ONLY BY ORDER OF A COURT HAVING JURISDICTION.

2 (6) AN ELECTION JUDGE SHALL NOT DETERMINE THAT THE
3 SIGNATURE OF A NONRESIDENT ELIGIBLE ELECTOR ON THE
4 SELF-AFFIRMATION DOES NOT MATCH THE SIGNATURE OF THAT ELECTOR
5 SOLELY ON THE BASIS OF SUBSTITUTION OF INITIALS OR USE OF A COMMON
6 NICKNAME.

7 (7) THE DESIGNATED ELECTION OFFICIAL SHALL PROVIDE TRAINING
8 IN THE TECHNIQUES AND STANDARDS OF SIGNATURE COMPARISON TO
9 ELECTION JUDGES WHO COMPARE SIGNATURES PURSUANT TO THIS
10 SECTION.

11 (8) AS USED IN THIS SECTION, "NONRESIDENT ELIGIBLE ELECTOR"
12 MEANS AN ELECTOR WHO SATISFIES THE REQUIREMENTS OF SECTION
13 32-1-103 (5)(f).

14 **SECTION 5.** In Colorado Revised Statutes, 32-1-902, **add** (1.5)
15 as follows:

16 **32-1-902. Organization of board - compensation - disclosure.**

17 (1.5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EACH BOARD
18 MAY SELECT, IN AN EXERCISE OF ITS OWN DISCRETION AND BY MAJORITY
19 VOTE OF THE BOARD'S VOTING MEMBERS, ONE OR MORE ADDITIONAL
20 BOARD MEMBERS IN ACCORDANCE WITH THIS SUBSECTION (1.5), EACH OF
21 WHOM SHALL SERVE AS A NONVOTING MEMBER OF THE BOARD. A MEMBER
22 OF THE BOARD APPOINTED IN ACCORDANCE WITH THIS SECTION MUST BE
23 A PERSON WHO IS A NONRESIDENT OF THE STATE BUT IS OTHERWISE
24 ELIGIBLE TO CAST A BALLOT IN ELECTIONS OF THE SPECIAL DISTRICT IN
25 ACCORDANCE WITH SECTION 32-1-103 (5)(f). A BOARD WITH THREE
26 MEMBERS MAY APPOINT NO MORE THAN ONE NONVOTING MEMBER OF THE
27 BOARD IN ACCORDANCE WITH THIS SUBSECTION (1.5). A BOARD WITH FIVE

1 MEMBERS MAY APPOINT NO MORE THAN TWO NONVOTING MEMBERS OF
2 THE BOARD IN ACCORDANCE WITH THIS SUBSECTION (1.5). THE TERM OF
3 A BOARD MEMBER APPOINTED PURSUANT TO THIS SUBSECTION (1.5) IS
4 FOUR YEARS SUBJECT TO RENEWAL FOR ONE OR MORE ADDITIONAL
5 FOUR-YEAR TERMS IN THE DISCRETION OF A MAJORITY OF THE VOTING
6 MEMBERS OF THE BOARD. ANY BOARD MEMBER APPOINTED PURSUANT TO
7 THIS SUBSECTION (1.5) MAY BE REMOVED FOR CAUSE AT ANY TIME BY A
8 MAJORITY OF THE VOTING MEMBERS OF THE BOARD.

9 **SECTION 6. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly (August
12 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
13 referendum petition is filed pursuant to section 1 (3) of article V of the
14 state constitution against this act or an item, section, or part of this act
15 within such period, then the act, item, section, or part will not take effect
16 unless approved by the people at the general election to be held in
17 November 2020 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor.