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SENATE BILL 19-235

BY SENATOR(S) Fenberg and Danielson, Bridges, Court, Donovan, Fields, Gonzales, Lee, Moreno, Pettersen, Rodriguez, Story, Todd, Winter, Garcia;  
also REPRESENTATIVE(S) Esgar and Mullica, Bird, Buckner, Buentello, Caraveo, Duran, Galindo, Gonzales-Gutierrez, Gray, Hansen, Herod, Hooton, Jackson, Jaquez Lewis, Kipp, Lontine, McCluskie, Michaelson Jenet, Roberts, Singer, Sirota, Valdez A.

CONCERNING THE TRANSFER OF ELECTRONIC RECORDS BY VOTER REGISTRATION AGENCIES IN ORDER TO REGISTER VOTERS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

**SECTION 1.** In Colorado Revised Statutes, **add** 1-2-213.3 as follows:

**1-2-213.3. Transfer of new voter registration records from department of revenue.** (1) (a) IN ADDITION TO THE REQUIREMENTS OF SECTION 1-2-213 FOR REGISTERED ELECTORS, THE DEPARTMENT OF REVENUE SHALL PROVIDE TO THE SECRETARY OF STATE, ON A SCHEDULE ESTABLISHED BY THE SECRETARY OF STATE, ELECTRONIC RECORDS CONTAINING THE FULL

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

NAME, DATE OF BIRTH, RESIDENCE ADDRESS, DELIVERABLE MAILING ADDRESS IF DIFFERENT FROM THE RESIDENCE ADDRESS, COUNTY OF RESIDENCE, CITIZENSHIP INFORMATION FOR, AND AN ELECTRONIC COPY OF THE SIGNATURE OF EACH UNREGISTERED ELECTOR AND EACH PERSON ELIGIBLE TO PREREGISTER IN ACCORDANCE WITH SECTION 1-2-101 (2) WHO PROVIDES A DOCUMENT THAT DEMONSTRATES UNITED STATES CITIZENSHIP AND WHO APPLIES FOR THE ISSUANCE, RENEWAL, OR CORRECTION OF ANY TYPE OF DRIVER'S LICENSE OR IDENTIFICATION CARD PURSUANT TO PART 3 OF ARTICLE 2 OF TITLE 42; EXCEPT THAT THE DEPARTMENT OF STATE SHALL NOT USE THE RECORD OF AN INDIVIDUAL WHO APPLIES FOR OR RENEWS AN IDENTIFICATION DOCUMENT UNDER PART 5 OF ARTICLE 2 OF TITLE 42 OR THE RECORD OF A PERSON WHO IS A PROGRAM PARTICIPANT IN THE "ADDRESS CONFIDENTIALITY PROGRAM ACT", PART 21 OF ARTICLE 30 OF TITLE 24, FOR VOTER REGISTRATION PURPOSES.

(b) THE DEPARTMENT OF REVENUE SHALL CONTINUE TO OFFER ANY PERSON NOT REGISTERED TO VOTE PURSUANT TO SUBSECTION (2) OF THIS SECTION AN OPPORTUNITY TO REGISTER TO VOTE PURSUANT TO SECTION 1-2-213, UNLESS THEY HAVE PROVIDED DOCUMENTATION DEMONSTRATING A LACK OF UNITED STATES CITIZENSHIP.

(2) UPON RECEIVING AN ELECTRONIC RECORD FOR AN INDIVIDUAL WHO PROVIDED DOCUMENTATION THAT CONFIRMED HIS OR HER CITIZENSHIP AND CONTAINS THE MINIMUM INFORMATION TO REGISTER THE INDIVIDUAL TO VOTE, THE SECRETARY OF STATE SHALL PROVIDE THE INFORMATION TO THE COUNTY CLERK AND RECORDER OF THE COUNTY IN WHICH THE PERSON RESIDES. UPON RECEIPT OF A RECORD, THE COUNTY CLERK AND RECORDER SHALL DETERMINE IF THE RECORD IS COMPLETE FOR THE PURPOSES OF VOTER REGISTRATION.

(3) IF THE RECORD IS COMPLETE FOR PURPOSES OF VOTER REGISTRATION OR PREREGISTRATION, THE COUNTY CLERK AND RECORDER SHALL SEND TO THE PERSON'S ADDRESS OF RECORD, BY NONFORWARDABLE MAIL:

(a) IF THE RECORD IS FOR AN ELIGIBLE ELECTOR, NOTICE THAT THE ELECTOR HAS BEEN REGISTERED TO VOTE AND A POSTAGE PAID PRE-ADDRESSED RETURN FORM BY WHICH THE ELECTOR MAY:

(I) DECLINE TO BE REGISTERED AS AN ELECTOR; OR

(II) AFFILIATE WITH A POLITICAL PARTY; AND

(b) IF THE RECORD IS FOR A PERSON ELIGIBLE TO PREREGISTER UNDER SECTION 1-2-101 (2), NOTICE THAT THE PERSON HAS BEEN PREREGISTERED AND WILL BE AUTOMATICALLY REGISTERED UPON TURNING EIGHTEEN YEARS OF AGE, AND A POSTAGE PAID PREADDRESSED RETURN FORM BY WHICH THE PERSON MAY:

(I) DECLINE TO BE PREREGISTERED; OR

(II) AFFILIATE WITH A POLITICAL PARTY.

(4) IF THE RECORD IS NOT COMPLETE, THE COUNTY CLERK AND RECORDER SHALL SEND TO THE PERSON'S ADDRESS OF RECORD, BY NONFORWARDABLE MAIL, NOTICE THAT THE PERSON HAS NOT BEEN REGISTERED OR PREREGISTERED TO VOTE AND STATING THE ADDITIONAL INFORMATION REQUIRED TO REGISTER OR PREREGISTER. IF THE PERSON PROVIDES THE ADDITIONAL INFORMATION, THE PERSON IS REGISTERED OR PREREGISTERED TO VOTE EFFECTIVE AS OF THE DATE OF THE PERSON'S APPLICATION WITH THE DEPARTMENT OF REVENUE. IF THE PERSON DOES NOT PROVIDE THE ADDITIONAL INFORMATION NECESSARY TO MAKE HIS OR HER APPLICATION COMPLETE AND ACCURATE WITHIN TWENTY-FOUR MONTHS AFTER THE NOTIFICATION IS MAILED PURSUANT TO THIS SUBSECTION (4), THE PERSON'S REGISTRATION IS CANCELLED.

(5) A NOTICE MAILED UNDER SUBSECTION (3) OF THIS SECTION MUST INCLUDE AN EXPLANATION, IN BOTH ENGLISH AND SPANISH, OF THE ELIGIBILITY REQUIREMENTS TO REGISTER OR PREREGISTER TO VOTE, AND A STATEMENT THAT, IF THE PERSON IS NOT ELIGIBLE, THE PERSON SHOULD DECLINE TO REGISTER USING THE PREADDRESSED RETURN FORM.

(6) THE NOTICE PROVIDED UNDER SUBSECTION (3) OF THIS SECTION MUST INCLUDE A STATEMENT THAT, IF THE PERSON DECLINES TO REGISTER OR PREREGISTER TO VOTE, THE FACT THAT THE PERSON HAS DECLINED WILL REMAIN CONFIDENTIAL AND WILL BE USED ONLY FOR VOTER REGISTRATION STATISTICS PURPOSES, AND A STATEMENT THAT, IF A PERSON REMAINS REGISTERED OR PREREGISTERED TO VOTE, THE OFFICE AT WHICH THE PERSON WAS REGISTERED OR PREREGISTERED WILL REMAIN CONFIDENTIAL AND WILL BE USED ONLY FOR VOTER REGISTRATION STATISTICS PURPOSES.

(7)(a)(I) IF A NOTICE PROVIDED UNDER SUBSECTIONS (2) AND (3) OF THIS SECTION IS RETURNED AS UNDELIVERABLE WITHIN TWENTY DAYS AFTER THE COUNTY CLERK AND RECORDER MAILES THE NOTICE, THE PERSON'S REGISTRATION OR PREREGISTRATION IS CANCELLED AND THE PERSON IS DEEMED TO HAVE NEVER REGISTERED OR PREREGISTERED. IF THE NOTICE IS RETURNED AS UNDELIVERABLE AFTER TWENTY DAYS AFTER THE COUNTY CLERK AND RECORDER MAILES THE NOTICE, THE PERSON'S REGISTRATION OR PREREGISTRATION IS MARKED INACTIVE.

(II) NOTWITHSTANDING SUBSECTION (7)(a)(I) OF THIS SECTION, IF A PERSON VOTES IN AN ELECTION AFTER THE TRANSFER OF THE PERSON'S RECORD BUT BEFORE THE NOTICE IS RETURNED AS UNDELIVERABLE, THE PERSON'S REGISTRATION SHALL NOT BE CANCELLED OR MARKED INACTIVE.

(b) IF A NOTICE PROVIDED UNDER SUBSECTION (3) OF THIS SECTION IS NOT RETURNED WITHIN TWENTY DAYS, THE PERSON IS REGISTERED OR PREREGISTERED AS OF THE DATE OF THE PERSON'S APPLICATION AT THE DEPARTMENT OF REVENUE AND THE PERSON SHALL BE MARKED AS UNAFFILIATED.

(c) IF A PERSON RETURNS THE FORM PROVIDED UNDER SUBSECTION (3) OF THIS SECTION AND DECLINES TO BE REGISTERED OR PREREGISTERED, INCLUDING IF THE PERSON RETURNS THE FORM AND BOTH DECLINES TO BE REGISTERED OR PREREGISTERED AND ALSO AFFILIATES WITH A PARTY, THE PERSON'S REGISTRATION OR PREREGISTRATION IS CANCELLED AND THE PERSON IS DEEMED TO HAVE NEVER REGISTERED OR PREREGISTERED; EXCEPT THAT, IF THE PERSON HAS VOTED IN AN ELECTION, THE RETURN FORM IS OF NO EFFECT AND THE PERSON REMAINS REGISTERED AS OF THE DATE OF THE PERSON'S APPLICATION WITH THE DEPARTMENT OF REVENUE.

(d) IF A PERSON RETURNS THE FORM PROVIDED UNDER SUBSECTION (3) OF THIS SECTION AND AFFILIATES WITH A PARTY, THE PERSON IS REGISTERED OR PREREGISTERED AS OF THE DATE OF THE PERSON'S APPLICATION WITH THE DEPARTMENT OF REVENUE AND THE PERSON'S AFFILIATION SHALL BE MARKED EFFECTIVE AS OF THE DATE THE AFFILIATION INFORMATION WAS RECEIVED.

(e) IF A PERSON RETURNS THE FORM WITHOUT MARKING EITHER THE OPTION TO DECLINE OR THE OPTION TO AFFILIATE WITH A PARTY, THE RETURNED FORM IS OF NO EFFECT. THE PERSON IS REGISTERED OR

PREREGISTERED AS OF THE DATE OF THE PERSON'S APPLICATION WITH THE DEPARTMENT OF REVENUE AND SHALL BE MARKED AS UNAFFILIATED.

(8) INFORMATION RELATING TO THE RETURN OF A NOTICE FORM DECLINING TO BE REGISTERED OR PREREGISTERED SHALL NOT BE USED FOR ANY PURPOSE OTHER THAN VOTER REGISTRATION STATISTICS.

(9) THIS SECTION DOES NOT PRECLUDE THE STATE FROM COMPLYING WITH ITS OBLIGATIONS UNDER THE FEDERAL "NATIONAL VOTER REGISTRATION ACT OF 1993", 52 U.S.C. SEC. 20501 ET SEQ., AS AMENDED; THE FEDERAL "VOTING RIGHTS ACT OF 1965", 52 U.S.C. SEC. 10101 ET SEQ., AS AMENDED; THE FEDERAL "HELP AMERICA VOTE ACT OF 2002", 52 U.S.C. SEC. 20901 ET SEQ., AS AMENDED; OR ANY OTHER APPLICABLE FEDERAL LAWS.

**SECTION 2.** In Colorado Revised Statutes, 1-2-302, **amend** (6.8) and (8); and **add** (6.5)(c) as follows:

**1-2-302. Maintenance of computerized statewide voter registration list - confidentiality.** (6.5) (c) AT THE EARLIEST PRACTICAL TIME, THE SECRETARY OF STATE, ACTING ON BEHALF OF THE DEPARTMENT OF STATE, SHALL ENTER INTO AGREEMENTS WITH THE EXECUTIVE DIRECTORS OF VOTER REGISTRATION AGENCIES AS DEFINED IN SECTION 1-2-504 (1)(a) AND (1)(b) TO THE EXTENT REQUIRED TO ENABLE THE TRANSFER AND VERIFICATION OF INFORMATION FOR VOTER REGISTRATION PURPOSES IN ACCORDANCE WITH SECTION 1-2-502.5.

(6.8) In accordance with ~~subsection (6)~~ SUBSECTIONS (6) AND (6.5) of this section, the secretary of state may forward any information obtained from the division of motor vehicles in the department of revenue OR VOTER REGISTRATION AGENCIES AS DEFINED IN SECTION 1-2-504 (1)(a) AND (1)(b) to the appropriate county clerk and recorder. If the information meets the minimum matching criteria as specified in sections 1-2-603 and 1-2-604, the clerk shall then update the elector's voter registration record in the master list of registered electors.

(8) The secretary of state shall provide adequate technological security measures to prevent unauthorized access to the computerized statewide voter registration list. THE SECRETARY OF STATE SHALL ALSO ESTABLISH ADEQUATE AND REASONABLE TECHNOLOGICAL SECURITY

REQUIREMENTS FOR THE EXCHANGE OR TRANSFER OF DATA RELATED TO VOTER REGISTRATION BETWEEN THE SECRETARY OF STATE AND ANY OTHER STATE AGENCY OR VOTER REGISTRATION AGENCY AS DEFINED IN SECTION 1-2-504 (1)(a) AND (1)(b). BEFORE COMMENCING ANY DATA EXCHANGE OR TRANSFER REQUIRED UNDER THIS ARTICLE 2, AND NO LATER THAN THE DATE SUCH EXCHANGE OR TRANSFER IS REQUIRED BY STATUTE TO BEGIN, THE STATE AGENCY OR VOTER REGISTRATION AGENCY SHALL ADHERE TO THE TECHNOLOGICAL SECURITY REQUIREMENTS ESTABLISHED BY THE SECRETARY OF STATE UNDER THIS SECTION. The secretary of state, the department of revenue, the department of public health and environment, the department of corrections, and the clerk and recorders shall not sell, disclose, or otherwise release a social security number, a driver's license or a state-issued identification number, or the unique identification number assigned by the secretary of state to the voter pursuant to section 1-2-204 (2.5) or electronic copies of signatures created, transferred, or maintained pursuant to this section or section 42-1-211, ~~C.R.S.~~, to any individual other than the elector who created such signature absent such elector's consent; except that nothing in this subsection (8) prohibits the sale, disclosure, or release of an electronic copy of such signature for use by any other public entity in carrying out its functions, or the sale, disclosure, or release of a photocopied or microfilmed image of an elector's signature.

**SECTION 3.** In Colorado Revised Statutes, **add** 1-2-502.5 as follows:

**1-2-502.5. Transfer of voter registration information to secretary of state.** (1) SUBJECT TO COMPLIANCE WITH ALL APPLICABLE FEDERAL LAWS AND REGULATIONS, THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL PROVIDE TO THE SECRETARY OF STATE, ON A SCHEDULE ESTABLISHED BY THE SECRETARY OF STATE, ELECTRONIC RECORDS CONTAINING THE FULL NAME, DATE OF BIRTH, RESIDENCE ADDRESS, DELIVERABLE MAILING ADDRESS IF DIFFERENT FROM THE RESIDENCE ADDRESS, AND COUNTY OF RESIDENCE FOR EACH REGISTERED AND UNREGISTERED ELIGIBLE ELECTOR WHO APPLIES FOR MEDICAL ASSISTANCE AS DEFINED IN SECTION 25.5-4-103 (13); EXCEPT THAT THE DEPARTMENT OF STATE SHALL NOT USE THE RECORD OF A PERSON WHO IS A PROGRAM PARTICIPANT IN THE "ADDRESS CONFIDENTIALITY PROGRAM ACT", PART 21 OF ARTICLE 30 OF TITLE 24, FOR VOTER REGISTRATION PURPOSES.

(2) IF AVAILABLE, THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL ALSO PROVIDE, FOR EACH ELIGIBLE ELECTOR, AN ELECTRONIC COPY OF THE ELECTOR'S SIGNATURE AND THE ELIGIBLE ELECTOR'S VALID COLORADO DRIVER'S LICENSE OR IDENTIFICATION CARD NUMBER OR THE LAST FOUR DIGITS OF THE ELECTOR'S SOCIAL SECURITY NUMBER.

(3) UPON RECEIVING THE ELECTRONIC RECORD FOR AN UNREGISTERED ELIGIBLE ELECTOR THAT INCLUDES ALL OF THE INFORMATION IN SUBSECTION (1) OF THIS SECTION AND EITHER THE ELECTOR'S VALID COLORADO DRIVER'S LICENSE OR IDENTIFICATION CARD NUMBER OR THE LAST FOUR DIGITS OF THE ELECTOR'S SOCIAL SECURITY NUMBER IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION, THE SECRETARY OF STATE SHALL PROVIDE THE INFORMATION TO THE COUNTY CLERK AND RECORDER OF THE COUNTY IN WHICH THE ELECTOR RESIDES. UPON RECEIPT OF A RECORD, THE COUNTY CLERK AND RECORDER SHALL DETERMINE IF THE RECORD IS COMPLETE FOR THE PURPOSES OF VOTER REGISTRATION. IF THE RECORD IS NOT COMPLETE, THE COUNTY CLERK AND RECORDER SHALL SEND TO THE PERSON'S ADDRESS OF RECORD, BY NONFORWARDABLE MAIL, NOTICE THAT THE PERSON HAS NOT BEEN REGISTERED TO VOTE AND STATING THE ADDITIONAL INFORMATION REQUIRED TO REGISTER. IF THE PERSON PROVIDES THE ADDITIONAL INFORMATION, THE PERSON IS REGISTERED TO VOTE EFFECTIVE ON THE DATE OF THE PERSON'S APPLICATION WITH THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING. IF THE PERSON DOES NOT PROVIDE THE ADDITIONAL INFORMATION NECESSARY TO MAKE HIS OR HER APPLICATION COMPLETE AND ACCURATE WITHIN TWENTY-FOUR MONTHS AFTER THE NOTIFICATION IS MAILED PURSUANT TO THIS SUBSECTION (3), THE PERSON'S REGISTRATION IS CANCELLED.

(4) IF THE RECORD IS COMPLETE FOR PURPOSES OF VOTER REGISTRATION, THE COUNTY CLERK AND RECORDER SHALL SEND TO THE PERSON'S ADDRESS OF RECORD, BY NONFORWARDABLE MAIL, NOTICE THAT THE PERSON HAS BEEN REGISTERED TO VOTE AND A POSTAGE PAID PREAMDRESSED RETURN FORM BY WHICH THE PERSON MAY:

- (a) DECLINE TO BE REGISTERED AS AN ELECTOR; OR
- (b) AFFILIATE WITH A POLITICAL PARTY; AND
- (c) PROVIDE A SIGNATURE IF, AT THE TIME THE ELECTOR APPLIED FOR

MEDICAL ASSISTANCE, THE PERSON DID NOT USE A COLORADO DRIVER'S LICENSE OR IDENTIFICATION NUMBER AND DID NOT PROVIDE AN ELECTRONIC COPY OF THEIR SIGNATURE.

(5) A NOTICE MAILED UNDER SUBSECTION (4) OF THIS SECTION MUST INCLUDE AN EXPLANATION, IN BOTH ENGLISH AND SPANISH, OF THE ELIGIBILITY REQUIREMENTS TO REGISTER TO VOTE, AND A STATEMENT THAT, IF THE PERSON IS NOT ELIGIBLE, THE PERSON SHOULD DECLINE TO REGISTER USING THE PREAMDRESSED RETURN FORM.

(6) THE NOTICE PROVIDED UNDER SUBSECTION (4) OF THIS SECTION MUST INCLUDE A STATEMENT THAT, IF A PERSON DECLINES TO REGISTER TO VOTE, THE FACT THAT THE PERSON HAS DECLINED TO REGISTER WILL REMAIN CONFIDENTIAL AND WILL BE USED ONLY FOR VOTER REGISTRATION STATISTICS PURPOSES, AND A STATEMENT THAT, IF THE PERSON REMAINS REGISTERED TO VOTE, THE OFFICE AT WHICH THE PERSON WAS REGISTERED WILL REMAIN CONFIDENTIAL AND WILL BE USED ONLY FOR VOTER REGISTRATION STATISTICS PURPOSES.

(7)(a)(I) IF A NOTICE PROVIDED UNDER SUBSECTIONS (3) AND (4) OF THIS SECTION IS RETURNED AS UNDELIVERABLE WITHIN TWENTY DAYS AFTER THE COUNTY CLERK AND RECORDER MAELS THE NOTICE, THE PERSON'S REGISTRATION IS CANCELLED AND THE PERSON IS DEEMED TO HAVE NEVER REGISTERED. IF THE NOTICE IS RETURNED AS UNDELIVERABLE AFTER TWENTY DAYS AFTER THE COUNTY CLERK AND RECORDER MAELS THE NOTICE, THE PERSON'S REGISTRATION IS MARKED INACTIVE.

(II) NOTWITHSTANDING SUBSECTION (7)(a)(I) OF THIS SECTION, IF A PERSON VOTES IN AN ELECTION AFTER THE TRANSFER OF THE PERSON'S RECORD BUT BEFORE THE NOTICE IS RETURNED AS UNDELIVERABLE, THE PERSON'S REGISTRATION SHALL NOT BE CANCELLED OR MARKED INACTIVE.

(b) IF A NOTICE PROVIDED UNDER SUBSECTION (4) OF THIS SECTION IS NOT RETURNED WITHIN TWENTY DAYS, OR IF THE PERSON RETURNS THE FORM AND PROVIDES A SIGNATURE BUT DOES NOT AFFILIATE WITH A PARTY, THE PERSON IS REGISTERED AS OF THE DATE OF THE PERSON'S APPLICATION WITH THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING AND THE PERSON SHALL BE MARKED AS UNAFFILIATED.

(c) IF A PERSON RETURNS THE FORM PROVIDED UNDER SUBSECTION



(4) OF THIS SECTION AND DECLINES TO BE REGISTERED, INCLUDING IF THE PERSON RETURNS THE FORM AND BOTH DECLINES TO BE REGISTERED AND ALSO AFFILIATES WITH A PARTY OR PROVIDES A SIGNATURE FOR REGISTRATION, THE PERSON'S REGISTRATION IS CANCELLED AND THE PERSON IS DEEMED TO HAVE NEVER REGISTERED; EXCEPT THAT, IF THE PERSON HAS VOTED IN AN ELECTION, THE RETURNED FORM IS OF NO EFFECT AND THE PERSON REMAINS REGISTERED AS OF THE DATE OF THE PERSON'S APPLICATION WITH THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING.

(d) IF A PERSON RETURNS THE FORM PROVIDED UNDER SUBSECTION (4) OF THIS SECTION AND AFFILIATES WITH A PARTY, THE PERSON IS REGISTERED AS OF THE DATE OF THE PERSON'S APPLICATION WITH THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING AND THE PERSON'S AFFILIATION SHALL BE MARKED EFFECTIVE AS OF THE DATE THE AFFILIATION INFORMATION WAS RECEIVED.

(e) IF A PERSON RETURNS THE FORM WITHOUT SELECTING ANY OPTION, THE RETURNED FORM IS OF NO EFFECT. THE PERSON IS REGISTERED AS OF THE DATE OF THE PERSON'S APPLICATION WITH THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING AND SHALL BE MARKED AS UNAFFILIATED.

(8) INFORMATION RELATING TO THE RETURN OF A NOTICE FORM DECLINING TO BE REGISTERED SHALL NOT BE USED FOR ANY PURPOSE OTHER THAN VOTER REGISTRATION STATISTICS.

(9) THIS SECTION DOES NOT PRECLUDE THE STATE FROM COMPLYING WITH ITS OBLIGATIONS UNDER THE FEDERAL "NATIONAL VOTER REGISTRATION ACT OF 1993", 52 U.S.C. SEC. 20501 ET SEQ., AS AMENDED; THE FEDERAL "VOTING RIGHTS ACT OF 1965", 52 U.S.C. SEC. 10101 ET SEQ., AS AMENDED; THE FEDERAL "HELP AMERICA VOTE ACT OF 2002", 52 U.S.C. SEC. 20901 ET SEQ., AS AMENDED; OR ANY OTHER APPLICABLE FEDERAL LAWS.

**SECTION 4.** In Colorado Revised Statutes, **add** 1-2-502.7 as follows:

**1-2-502.7. Voter registration agencies - reports - transfer of records for voter registration.** (1) EACH STATE AGENCY THAT OVERSEES

ONE OR MORE OFFICES DESIGNATED AS VOTER REGISTRATION AGENCIES IN SECTION 1-2-504 (1)(a) AND (1)(b) SHALL ANNUALLY PROVIDE TO THE SECRETARY OF STATE A LIST WITH EACH DESIGNATED OFFICE, THE TYPE OF SERVICES THE OFFICE PROVIDES, AND A DESIGNATED VOTER REGISTRATION CONTACT FOR THAT OFFICE.

(2) EACH OFFICE DESIGNATED UNDER SUBSECTION (1) OF THIS SECTION SHALL REPORT TO THE SECRETARY OF STATE EACH MONTH THE NUMBER OF PEOPLE WHO APPLIED FOR PUBLIC ASSISTANCE OR WHO APPLIED TO PARTICIPATE IN STATE-FUNDED PROGRAMS, THE NUMBER OF VOTER REGISTRATION CHOICE FORMS THE OFFICE COLLECTED, AND THE NUMBER OF PEOPLE WHO RECEIVED A VOTER REGISTRATION FORM.

(3) AT THE EARLIEST PRACTICABLE TIME, THE OFFICE OF INFORMATION TECHNOLOGY CREATED IN SECTION 24-37.5-103 SHALL ASSESS WHICH VOTER REGISTRATION AGENCIES, AS DEFINED IN SECTION 1-2-504 (1)(a) AND (1)(b), COLLECT SUFFICIENT INFORMATION FROM APPLICANTS FOR VOTER REGISTRATION PURPOSES, AND SHALL REPORT ITS FINDINGS TO THE SECRETARY OF STATE. UPON A DETERMINATION BY THE OFFICE OF INFORMATION TECHNOLOGY AND THE SECRETARY OF STATE THAT A VOTER REGISTRATION AGENCY COLLECTS THE NECESSARY INFORMATION TO REGISTER AN ELIGIBLE ELECTOR, THE OFFICE OF INFORMATION TECHNOLOGY AND THE SECRETARY OF STATE SHALL ESTABLISH A SCHEDULE BY WHICH THE VOTER REGISTRATION AGENCY SHALL BEGIN PROVIDING ELECTRONIC RECORDS REGARDING ELIGIBLE ELECTORS TO THE SECRETARY OF STATE. THE SECRETARY OF STATE AND EACH COUNTY CLERK AND RECORDER SHALL PROCESS ELECTRONIC RECORDS RECEIVED FROM VOTER REGISTRATION AGENCIES UNDER THIS SUBSECTION (3) SUBSTANTIALLY IN ACCORDANCE WITH SECTION 1-2-502.5.

**SECTION 5.** In Colorado Revised Statutes, **amend** 1-2-511 as follows:

**1-2-511. Prosecutions of violations.** (1) Any person who believes a violation of this part 5 has occurred may file a written complaint no later than sixty days after the date of the violation with the secretary of state. If the secretary of state determines, after a hearing, that the violation has occurred, he or she shall so notify the attorney general, who may institute a civil action for relief, including a permanent or temporary injunction, a restraining order, or any other appropriate order, in the district court. Upon

a proper showing that such person has engaged or is about to engage in any prohibited acts or practices, a permanent or temporary injunction, restraining order, or other order shall be granted without bond by the court. If, within one hundred twenty days after a complaint is filed with the secretary of state, no civil action for relief is instituted by the attorney general, the complainant shall have a private right of action based on an alleged violation of this part 5 and may institute a civil action in district court for any appropriate remedy. Any such action shall be filed within one year from the date of the alleged violation.

(2) UNLESS A PERSON INTENTIONALLY TAKES VOLUNTARY ACTION TO REGISTER TO VOTE KNOWING THAT HE OR SHE IS NOT ELIGIBLE TO REGISTER, THE TRANSFER OF THE PERSON'S ELECTRONIC RECORD BY A VOTER REGISTRATION AGENCY IN ACCORDANCE WITH SECTION 1-2-213.3 OR 1-2-502.5 DOES NOT CONSTITUTE THE COMPLETION OF A VOTER REGISTRATION FORM BY THAT PERSON. IF SUCH A REGISTRATION IS PROCESSED BY THE STATE, IT IS PRESUMED TO HAVE BEEN OFFICIALLY AUTHORIZED BY THE STATE AND THE PERSON IS NOT SUBJECT TO ANY PENALTY UNDER THIS CODE.

**SECTION 6.** In Colorado Revised Statutes, 1-7.5-104.5, **add** (2)(b)(I.5) as follows:

**1-7.5-104.5. Ballots and supplies for mail voting.** (2) (b) The approved form must include, at a minimum:

(I.5) INSTRUCTIONS TO PROVIDE A SIGNATURE FOR VERIFICATION WITH THE BALLOT FOR FIRST-TIME ELECTORS WHO DO NOT HAVE A SIGNATURE STORED IN THE STATEWIDE VOTER REGISTRATION SYSTEM;

**SECTION 7.** In Colorado Revised Statutes, 1-7.5-107.3, **add** (1.5) and (7) as follows:

**1-7.5-107.3. Verification of signatures - rules.** (1.5) (a) IF AN ELIGIBLE ELECTOR RETURNS A BALLOT BUT DOES NOT HAVE A SIGNATURE STORED IN THE STATEWIDE VOTER REGISTRATION SYSTEM, THE COUNTY CLERK AND RECORDER SHALL, WITHIN THREE DAYS AFTER THE MISSING SIGNATURE IS CONFIRMED, BUT IN NO EVENT LATER THAN TWO DAYS AFTER ELECTION DAY, SEND TO THE ELIGIBLE ELECTOR AT THE ADDRESS INDICATED IN THE REGISTRATION RECORDS AND TO THE ELIGIBLE ELECTOR'S

ELECTRONIC MAIL ADDRESS IF AVAILABLE A LETTER EXPLAINING THE NEED FOR A SIGNATURE FOR VERIFICATION PURPOSES AND A FORM WITH INSTRUCTIONS FOR THE ELIGIBLE ELECTOR TO:

(I) CONFIRM THAT THE ELIGIBLE ELECTOR RETURNED A BALLOT TO THE COUNTY CLERK AND RECORDER;

(II) PROVIDE A COPY OF THE ELIGIBLE ELECTOR'S IDENTIFICATION AS DEFINED IN SECTION 1-1-104 (19.5); AND

(III) PROVIDE A SIGNATURE FOR VERIFICATION IN ACCORDANCE WITH THIS SECTION.

(b) IF THE COUNTY CLERK AND RECORDER RECEIVES THE FORM WITHIN EIGHT DAYS AFTER ELECTION DAY CONFIRMING THAT THE ELIGIBLE ELECTOR RETURNED A BALLOT TO THE COUNTY CLERK AND RECORDER AND ENCLOSING A COPY OF THE ELIGIBLE ELECTOR'S IDENTIFICATION AS DEFINED IN SECTION 1-1-104 (19.5), AND IF THE BALLOT IS OTHERWISE VALID, THE BALLOT SHALL BE COUNTED. IF THE ELIGIBLE ELECTOR RETURNS THE FORM INDICATING THAT THE ELIGIBLE ELECTOR DID NOT RETURN A BALLOT TO THE COUNTY CLERK AND RECORDER, OR IF THE ELIGIBLE ELECTOR DOES NOT RETURN THE FORM WITHIN EIGHT DAYS AFTER ELECTION DAY OR DOES NOT ENCLOSE IDENTIFICATION, THE BALLOT SHALL NOT BE COUNTED.

(c) AN ORIGINAL RETURN ENVELOPE CONTAINING A VOTED BALLOT THAT IS NOT COUNTED IN ACCORDANCE WITH SUBSECTION (1.5)(b) OF THIS SECTION SHALL BE STORED UNDER SEAL AS AN ELECTION RECORD IN THE OFFICE OF THE COUNTY CLERK AND RECORDER IN A SECURE LOCATION SEPARATE FROM VALID RETURN ENVELOPES AND MAY BE REMOVED ONLY UNDER THE AUTHORITY OF THE DISTRICT ATTORNEY OR BY ORDER OF A COURT HAVING JURISDICTION.

(7) EACH COUNTY CLERK AND RECORDER SHALL, AS SOON AS PRACTICAL, DEVELOP AND IMPLEMENT OPTIONS FOR ELECTORS TO ELECTRONICALLY PROVIDE NECESSARY DOCUMENTATION FOR SIGNATURE VERIFICATION.

**SECTION 8.** In Colorado Revised Statutes, 24-30-2108, **repeal** (4) as follows:

**24-30-2108. Address use by state or local government agencies.**

(4) ~~A program participant who completes an application to register to vote at a driver's license examination facility while receiving a driver's license or an identification card pursuant to section 1-2-213, C.R.S., shall be required to have the participant's actual address on the driver's license or identification card.~~

**SECTION 9.** In Colorado Revised Statutes, 1-2-205, **amend as it will become effective July 1, 2019, (2); and add (5) as follows:**

**1-2-205. Self-affirmation made by elector.** (2) Each elector making application for registration or preregistration shall make the following self-affirmation: "I, ..., affirm that I am a citizen of the United States; I have been a resident of ~~the state of~~ Colorado for at least twenty-two days immediately ~~prior to~~ BEFORE an election in which I intend to vote IN; and I am at least sixteen years old and understand that I must be eighteen years old to be eligible to vote. I further affirm that ~~my present address as stated herein~~ THE RESIDENCE ADDRESS I PROVIDED is my sole legal place of residence. ~~that I claim no other place as my legal residence; and that I understand that I am committing a felony if I knowingly give false information regarding my place of present residence.~~ I certify under penalty of perjury that ~~I meet the registration or preregistration qualifications of this state;~~ that the information I have provided on this application is true to the best of my knowledge and belief; and that I have not, nor will I, cast more than one ballot in any election.

(5) THIS SECTION DOES NOT APPLY TO A PERSON REGISTERED IN ACCORDANCE WITH SECTION 1-2-213.3 OR 1-2-502.5.

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

**1-2-509. Reviewing voter registration applications - notification.**

(4) THIS SECTION DOES NOT APPLY TO VOTER REGISTRATIONS RECEIVED PURSUANT TO SECTION 1-2-213, 1-2-213.3, OR 1-2-502.5.

**SECTION 11.** In Colorado Revised Statutes, 1-7.5-107, **amend (3)(b.5)(I) as follows:**

**1-7.5-107. Procedures for conducting mail ballot election -**

**primary elections - first-time voters casting a mail ballot after having registered by mail to vote - in-person request for ballot - repeal.**

(3) (b.5) (I) (A) The return envelope shall MUST have printed on it a self-affirmation substantially in the following form:

I state under penalty of perjury that I am an eligible elector; that my signature and name are as shown on this envelope; that I have not and will not cast any vote in this election except by the enclosed ballot; and that my ballot is enclosed in accord with the provisions of the "Uniform Election Code of 1992".

.....  
Date

.....  
Signature of voter

(B) THE RETURN ENVELOPE MUST HAVE PRINTED BELOW THE SIGNATURE LINE THE AFFIRMATION REQUIRED BY SECTION 1-2-205 (2).

**SECTION 12. Appropriation.** (1) For the 2019-20 state fiscal year, \$67,840 is appropriated to the department of state for use by the information technology division. This appropriation is from the department of state cash fund created in section 24-21-104 (3)(b), C.R.S. To implement this act, the division may use this appropriation for personal services.

(2) For the 2019-20 state fiscal year, \$90,827 is appropriated to the department of human services for use by the office of information technology services. This appropriation consists of \$61,301 from the general fund, \$9,973 from the old age pension fund created in section 1 of article XXIV of the state constitution, and \$19,553 from the federal temporary assistance for needy families block grant. To implement this act, the office may use this appropriation for operating and contract expenses.

(3) For the 2019-20 state fiscal year, the general assembly anticipates that the department of human services will receive \$45,413 in federal funds for the office of information technology services to implement this act. The appropriation in subsection (2) of this section is based on the assumption that the department will receive this amount of federal funds.

(4) For the 2019-20 state fiscal year, \$136,240 is appropriated to the office of the governor for use by the office of information technology. This

appropriation is from reappropriated funds received from the department of human services under subsections (2) and (3) of this section. To implement this act, the office may use this appropriation to provide information technology services for the department of human services.

(5) For the 2019-20 state fiscal year, \$18,000 is appropriated to the department of revenue for use by the division of motor vehicles. This appropriation is from the general fund. To implement this act, the division may use this appropriation for DRIVES maintenance and support.

**SECTION 13. Act subject to petition - effective date.** Sections 1, 6, and 7 of this act take effect July 1, 2020, and the remainder of this act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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Leroy M. Garcia  
PRESIDENT OF  
THE SENATE

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KC Becker  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_  
(Date and Time)

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Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO