

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

REREVISED

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

LLS NO. 19-0472.01 Megan Waples x4348

SENATE BILL 19-235

SENATE SPONSORSHIP

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Senate Committees

State, Veterans, & Military Affairs
Appropriations

House Committees

State, Veterans, & Military Affairs
Appropriations

HOUSE
3rd Reading Unamended
May 2, 2019

A BILL FOR AN ACT

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

HOUSE
2nd Reading Unamended
May 1, 2019

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>.)

SENATE
3rd Reading Unamended
April 24, 2019

The bill requires the department of revenue to transfer to the secretary of state (secretary) the electronic record of each eligible elector who applies for the issuance, renewal, or correction of a Colorado driver's license or identification card. The elector's county clerk reviews the record for completeness and sends the elector a notice advising that the

SENATE
Amended 2nd Reading
April 23, 2019

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.

elector has been registered to vote. The elector can return the notice to either decline to be registered or affiliate with a party. If the elector does not decline to be registered within 20 days after the notice is mailed and the form is not returned as undeliverable, the elector is registered to vote.

The department of health care policy and financing is also required to begin transferring to the secretary the electronic records of electors who apply for medicaid. The elector's county clerk reviews the record for completeness and sends the elector a notice advising that the elector has been registered to vote. The elector can return the notice to decline to be registered, affiliate with a party, or provide a signature if necessary for their record. If the elector does not decline to be registered within 20 days after the notice is mailed and the form is not returned as undeliverable, the elector is registered to vote.

Agencies that oversee offices designated as voter registration agencies are required to begin reporting information to the secretary related to the number of people who apply for benefits or programs, the number of voter registration choice forms the offices collect, and the number of people who receive voter registration forms. The office of information technology is required to assess and report to the secretary which voter registration agencies collect sufficient information for voter registration purposes. When the office of information technology and the secretary determine that an agency collects sufficient information, the agency is required to begin transferring records to the secretary for voter registration purposes.

Unless a person who knows they are ineligible to vote intentionally takes voluntary action to become registered, the transfer of the person's record by a voter registration agency does not constitute completion of a voter registration form by that person.

The bill creates a process for electors who are registered through a voter registration agency to provide a signature for verification if they return a ballot in an election but a copy of their signature is not found in the statewide voter registration system. The bill makes conforming amendments to provisions related to voter registration requirements.

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

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

4 **1-2-213.3. Transfer of new voter registration records from**
5 **department of revenue. (1) (a) IN ADDITION TO THE REQUIREMENTS OF**
6 **SECTION 1-2-213 FOR REGISTERED ELECTORS, THE DEPARTMENT OF**

1 REVENUE SHALL PROVIDE TO THE SECRETARY OF STATE, ON A SCHEDULE
2 ESTABLISHED BY THE SECRETARY OF STATE, ELECTRONIC RECORDS
3 CONTAINING THE FULL NAME, DATE OF BIRTH, RESIDENCE ADDRESS,
4 DELIVERABLE MAILING ADDRESS IF DIFFERENT FROM THE RESIDENCE
5 ADDRESS, COUNTY OF RESIDENCE, CITIZENSHIP INFORMATION FOR, AND AN
6 ELECTRONIC COPY OF THE SIGNATURE OF EACH UNREGISTERED ELECTOR
7 AND EACH PERSON ELIGIBLE TO PREREGISTER IN ACCORDANCE WITH
8 SECTION 1-2-101 (2) WHO PROVIDES A DOCUMENT THAT DEMONSTRATES
9 UNITED STATES CITIZENSHIP AND WHO APPLIES FOR THE ISSUANCE,
10 RENEWAL, OR CORRECTION OF ANY TYPE OF DRIVER'S LICENSE OR
11 IDENTIFICATION CARD PURSUANT TO PART 3 OF ARTICLE 2 OF TITLE 42;
12 EXCEPT THAT THE DEPARTMENT OF STATE SHALL NOT USE THE RECORD OF
13 AN INDIVIDUAL WHO APPLIES FOR OR RENEWS AN IDENTIFICATION
14 DOCUMENT UNDER PART 5 OF ARTICLE 2 OF TITLE 42 OR THE RECORD OF A
15 PERSON WHO IS A PROGRAM PARTICIPANT IN THE "ADDRESS
16 CONFIDENTIALITY PROGRAM ACT", PART 21 OF ARTICLE 30 OF TITLE 24,
17 FOR VOTER REGISTRATION PURPOSES.

18 (b) THE DEPARTMENT OF REVENUE SHALL CONTINUE TO OFFER ANY
19 PERSON NOT REGISTERED TO VOTE PURSUANT TO SUBSECTION (2) OF THIS
20 SECTION AN OPPORTUNITY TO REGISTER TO VOTE PURSUANT TO SECTION
21 1-2-213, UNLESS THEY HAVE PROVIDED DOCUMENTATION
22 DEMONSTRATING A LACK OF UNITED STATES CITIZENSHIP. ___

23 (2) UPON RECEIVING AN ELECTRONIC RECORD FOR AN INDIVIDUAL
24 WHO PROVIDED DOCUMENTATION THAT CONFIRMED HIS OR HER
25 CITIZENSHIP AND CONTAINS THE MINIMUM INFORMATION TO REGISTER THE
26 INDIVIDUAL TO VOTE, THE SECRETARY OF STATE SHALL PROVIDE THE
27 INFORMATION TO THE COUNTY CLERK AND RECORDER OF THE COUNTY IN

1 WHICH THE PERSON RESIDES. UPON RECEIPT OF A RECORD, THE COUNTY
2 CLERK AND RECORDER SHALL DETERMINE IF THE RECORD IS COMPLETE FOR
3 THE PURPOSES OF VOTER REGISTRATION. ===

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

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

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

12 (II) AFFILIATE WITH A POLITICAL PARTY; AND

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

18 (I) DECLINE TO BE PREREGISTERED; OR

19 (II) AFFILIATE WITH A POLITICAL PARTY.

20 (4) IF THE RECORD IS NOT COMPLETE, THE COUNTY CLERK AND
21 RECORDER SHALL SEND TO THE PERSON'S ADDRESS OF RECORD, BY
22 NONFORWARDABLE MAIL, NOTICE THAT THE PERSON HAS NOT BEEN
23 REGISTERED OR PREREGISTERED TO VOTE AND STATING THE ADDITIONAL
24 INFORMATION REQUIRED TO REGISTER OR PREREGISTER. IF THE PERSON
25 PROVIDES THE ADDITIONAL INFORMATION, THE PERSON IS REGISTERED OR
26 PREREGISTERED TO VOTE EFFECTIVE AS OF THE DATE OF THE PERSON'S
27 APPLICATION WITH THE DEPARTMENT OF REVENUE. IF THE PERSON DOES

1 NOT PROVIDE THE ADDITIONAL INFORMATION NECESSARY TO MAKE HIS OR
2 HER APPLICATION COMPLETE AND ACCURATE WITHIN TWENTY-FOUR
3 MONTHS AFTER THE NOTIFICATION IS MAILED PURSUANT TO THIS
4 SUBSECTION (4), THE PERSON'S REGISTRATION IS CANCELLED.

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

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

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

27 (II) NOTWITHSTANDING SUBSECTION (7)(a)(I) OF THIS SECTION, IF

1 A PERSON VOTES IN AN ELECTION AFTER THE TRANSFER OF THE PERSON'S
2 RECORD BUT BEFORE THE NOTICE IS RETURNED AS UNDELIVERABLE, THE
3 PERSON'S REGISTRATION SHALL NOT BE CANCELLED OR MARKED INACTIVE.

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

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

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

24 (e) IF A PERSON RETURNS THE FORM WITHOUT MARKING EITHER
25 THE OPTION TO DECLINE OR THE OPTION TO AFFILIATE WITH A PARTY, THE
26 RETURNED FORM IS OF NO EFFECT. THE PERSON IS REGISTERED OR
27 PREREGISTERED AS OF THE DATE OF THE PERSON'S APPLICATION WITH THE

1 DEPARTMENT OF REVENUE AND SHALL BE MARKED AS UNAFFILIATED.

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

5 (9) THIS SECTION DOES NOT PRECLUDE THE STATE FROM
6 COMPLYING WITH ITS OBLIGATIONS UNDER THE FEDERAL "NATIONAL
7 VOTER REGISTRATION ACT OF 1993", 52 U.S.C. SEC. 20501 ET SEQ., AS
8 AMENDED; THE FEDERAL "VOTING RIGHTS ACT OF 1965", 52 U.S.C. SEC.
9 10101 ET SEQ., AS AMENDED; THE FEDERAL "HELP AMERICA VOTE ACT OF
10 2002", 52 U.S.C. SEC. 20901 ET SEQ., AS AMENDED; OR ANY OTHER
11 APPLICABLE FEDERAL LAWS.

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

14 **1-2-302. Maintenance of computerized statewide voter**
15 **registration list - confidentiality.** (6.5) (c) AT THE EARLIEST PRACTICAL
16 TIME, THE SECRETARY OF STATE, ACTING ON BEHALF OF THE DEPARTMENT
17 OF STATE, SHALL ENTER INTO AGREEMENTS WITH THE EXECUTIVE
18 DIRECTORS OF VOTER REGISTRATION AGENCIES AS DEFINED IN SECTION
19 1-2-504 (1)(a) AND (1)(b) TO THE EXTENT REQUIRED TO ENABLE THE
20 TRANSFER AND VERIFICATION OF INFORMATION FOR VOTER REGISTRATION
21 PURPOSES IN ACCORDANCE WITH SECTION 1-2-502.5.

22 (6.8) In accordance with ~~subsection (6)~~ SUBSECTIONS (6) AND
23 (6.5) of this section, the secretary of state may forward any information
24 obtained from the division of motor vehicles in the department of revenue
25 OR VOTER REGISTRATION AGENCIES AS DEFINED IN SECTION 1-2-504 (1)(a)
26 AND (1)(b) to the appropriate county clerk and recorder. If the information
27 meets the minimum matching criteria as specified in sections 1-2-603 and

1 1-2-604, the clerk shall then update the elector's voter registration record
2 in the master list of registered electors.

3 (8) The secretary of state shall provide adequate technological
4 security measures to prevent unauthorized access to the computerized
5 statewide voter registration list. THE SECRETARY OF STATE SHALL ALSO
6 ESTABLISH ADEQUATE AND REASONABLE TECHNOLOGICAL SECURITY
7 REQUIREMENTS FOR THE EXCHANGE OR TRANSFER OF DATA RELATED TO
8 VOTER REGISTRATION BETWEEN THE SECRETARY OF STATE AND ANY
9 OTHER STATE AGENCY OR VOTER REGISTRATION AGENCY AS DEFINED IN
10 SECTION 1-2-504 (1)(a) AND (1)(b). BEFORE COMMENCING ANY DATA
11 EXCHANGE OR TRANSFER REQUIRED UNDER THIS ARTICLE 2, AND NO LATER
12 THAN THE DATE SUCH EXCHANGE OR TRANSFER IS REQUIRED BY STATUTE
13 TO BEGIN, THE STATE AGENCY OR VOTER REGISTRATION AGENCY SHALL
14 ADHERE TO THE TECHNOLOGICAL SECURITY REQUIREMENTS ESTABLISHED
15 BY THE SECRETARY OF STATE UNDER THIS SECTION. The secretary of state,
16 the department of revenue, the department of public health and
17 environment, the department of corrections, and the clerk and recorders
18 shall not sell, disclose, or otherwise release a social security number, a
19 driver's license or a state-issued identification number, or the unique
20 identification number assigned by the secretary of state to the voter
21 pursuant to section 1-2-204 (2.5) or electronic copies of signatures
22 created, transferred, or maintained pursuant to this section or section
23 42-1-211, ~~C.R.S.~~, to any individual other than the elector who created
24 such signature absent such elector's consent; except that nothing in this
25 subsection (8) prohibits the sale, disclosure, or release of an electronic
26 copy of such signature for use by any other public entity in carrying out
27 its functions, or the sale, disclosure, or release of a photocopied or

1 microfilmed image of an elector's signature.

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

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

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

24 (3) UPON RECEIVING THE ELECTRONIC RECORD FOR AN
25 UNREGISTERED ELIGIBLE ELECTOR THAT INCLUDES ALL OF THE
26 INFORMATION IN SUBSECTION (1) OF THIS SECTION AND EITHER THE
27 ELECTOR'S VALID COLORADO DRIVER'S LICENSE OR IDENTIFICATION CARD

1 NUMBER OR THE LAST FOUR DIGITS OF THE ELECTOR'S SOCIAL SECURITY
2 NUMBER IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION, THE
3 SECRETARY OF STATE SHALL PROVIDE THE INFORMATION TO THE COUNTY
4 CLERK AND RECORDER OF THE COUNTY IN WHICH THE ELECTOR RESIDES.
5 UPON RECEIPT OF A RECORD, THE COUNTY CLERK AND RECORDER SHALL
6 DETERMINE IF THE RECORD IS COMPLETE FOR THE PURPOSES OF VOTER
7 REGISTRATION. IF THE RECORD IS NOT COMPLETE, THE COUNTY CLERK AND
8 RECORDER SHALL SEND TO THE PERSON'S ADDRESS OF RECORD, BY
9 NONFORWARDABLE MAIL, NOTICE THAT THE PERSON HAS NOT BEEN
10 REGISTERED TO VOTE AND STATING THE ADDITIONAL INFORMATION
11 REQUIRED TO REGISTER. IF THE PERSON PROVIDES THE ADDITIONAL
12 INFORMATION, THE PERSON IS REGISTERED TO VOTE EFFECTIVE ON THE
13 DATE OF THE PERSON'S APPLICATION WITH THE DEPARTMENT OF HEALTH
14 CARE POLICY AND FINANCING. IF THE PERSON DOES NOT PROVIDE THE
15 ADDITIONAL INFORMATION NECESSARY TO MAKE HIS OR HER APPLICATION
16 COMPLETE AND ACCURATE WITHIN TWENTY-FOUR MONTHS AFTER THE
17 NOTIFICATION IS MAILED PURSUANT TO THIS SUBSECTION (3), THE
18 PERSON'S REGISTRATION IS CANCELLED.

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

- 24 (a) DECLINE TO BE REGISTERED AS AN ELECTOR; OR
- 25 (b) AFFILIATE WITH A POLITICAL PARTY; AND
- 26 (c) PROVIDE A SIGNATURE IF, AT THE TIME THE ELECTOR APPLIED
27 FOR MEDICAL ASSISTANCE, THE PERSON DID NOT USE A COLORADO

1 DRIVER'S LICENSE OR IDENTIFICATION NUMBER AND DID NOT PROVIDE AN
2 ELECTRONIC COPY OF THEIR SIGNATURE.

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

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

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

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

27 (b) IF A NOTICE PROVIDED UNDER SUBSECTION (4) OF THIS SECTION

1 IS NOT RETURNED WITHIN TWENTY DAYS, OR IF THE PERSON RETURNS THE
2 FORM AND PROVIDES A SIGNATURE BUT DOES NOT AFFILIATE WITH A
3 PARTY, THE PERSON IS REGISTERED AS OF THE DATE OF THE PERSON'S
4 APPLICATION WITH THE DEPARTMENT OF HEALTH CARE POLICY AND
5 FINANCING AND THE PERSON SHALL BE MARKED AS UNAFFILIATED.

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

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

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

27 (8) INFORMATION RELATING TO THE RETURN OF A NOTICE FORM

1 DECLINING TO BE REGISTERED SHALL NOT BE USED FOR ANY PURPOSE
2 OTHER THAN VOTER REGISTRATION STATISTICS.

3 (9) THIS SECTION DOES NOT PRECLUDE THE STATE FROM
4 COMPLYING WITH ITS OBLIGATIONS UNDER THE FEDERAL "NATIONAL
5 VOTER REGISTRATION ACT OF 1993", 52 U.S.C. SEC. 20501 ET SEQ., AS
6 AMENDED; THE FEDERAL "VOTING RIGHTS ACT OF 1965", 52 U.S.C. SEC.
7 10101 ET SEQ., AS AMENDED; THE FEDERAL "HELP AMERICA VOTE ACT OF
8 2002", 52 U.S.C. SEC. 20901 ET SEQ., AS AMENDED; OR ANY OTHER
9 APPLICABLE FEDERAL LAWS.

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

12 **1-2-502.7. Voter registration agencies - reports - transfer of**
13 **records for voter registration.** (1) EACH STATE AGENCY THAT OVERSEES
14 ONE OR MORE OFFICES DESIGNATED AS VOTER REGISTRATION AGENCIES IN
15 SECTION 1-2-504 (1)(a) AND (1)(b) SHALL ANNUALLY PROVIDE TO THE
16 SECRETARY OF STATE A LIST WITH EACH DESIGNATED OFFICE, THE TYPE OF
17 SERVICES THE OFFICE PROVIDES, AND A DESIGNATED VOTER REGISTRATION
18 CONTACT FOR THAT OFFICE.

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

25 (3) AT THE EARLIEST PRACTICABLE TIME, THE OFFICE OF
26 INFORMATION TECHNOLOGY CREATED IN SECTION 24-37.5-103 SHALL
27 ASSESS WHICH VOTER REGISTRATION AGENCIES, AS DEFINED IN SECTION

1 1-2-504 (1)(a) AND (1)(b), COLLECT SUFFICIENT INFORMATION FROM
2 APPLICANTS FOR VOTER REGISTRATION PURPOSES, AND SHALL REPORT ITS
3 FINDINGS TO THE SECRETARY OF STATE. UPON A DETERMINATION BY THE
4 OFFICE OF INFORMATION TECHNOLOGY AND THE SECRETARY OF STATE
5 THAT A VOTER REGISTRATION AGENCY COLLECTS THE NECESSARY
6 INFORMATION TO REGISTER AN ELIGIBLE ELECTOR, THE OFFICE OF
7 INFORMATION TECHNOLOGY AND THE SECRETARY OF STATE SHALL
8 ESTABLISH A SCHEDULE BY WHICH THE VOTER REGISTRATION AGENCY
9 SHALL BEGIN PROVIDING ELECTRONIC RECORDS REGARDING ELIGIBLE
10 ELECTORS TO THE SECRETARY OF STATE. THE SECRETARY OF STATE AND
11 EACH COUNTY CLERK AND RECORDER SHALL PROCESS ELECTRONIC
12 RECORDS RECEIVED FROM VOTER REGISTRATION AGENCIES UNDER THIS
13 SUBSECTION (3) SUBSTANTIALLY IN ACCORDANCE WITH SECTION
14 1-2-502.5.

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

17 **1-2-511. Prosecutions of violations.** (1) Any person who
18 believes a violation of this part 5 has occurred may file a written
19 complaint no later than sixty days after the date of the violation with the
20 secretary of state. If the secretary of state determines, after a hearing, that
21 the violation has occurred, he or she shall so notify the attorney general,
22 who may institute a civil action for relief, including a permanent or
23 temporary injunction, a restraining order, or any other appropriate order,
24 in the district court. Upon a proper showing that such person has engaged
25 or is about to engage in any prohibited acts or practices, a permanent or
26 temporary injunction, restraining order, or other order shall be granted
27 without bond by the court. If, within one hundred twenty days after a

1 complaint is filed with the secretary of state, no civil action for relief is
2 instituted by the attorney general, the complainant shall have a private
3 right of action based on an alleged violation of this part 5 and may
4 institute a civil action in district court for any appropriate remedy. Any
5 such action shall be filed within one year from the date of the alleged
6 violation.

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

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

18 **1-7.5-104.5. Ballots and supplies for mail voting.** (2) (b) The
19 approved form must include, at a minimum:

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

23 **SECTION 7.** In Colorado Revised Statutes, 1-7.5-107.3, **add**
24 (1.5) and (7) as follows:

25 **1-7.5-107.3. Verification of signatures - rules.** (1.5) (a) IF AN
26 ELIGIBLE ELECTOR RETURNS A BALLOT BUT DOES NOT HAVE A SIGNATURE
27 STORED IN THE STATEWIDE VOTER REGISTRATION SYSTEM, THE COUNTY

1 CLERK AND RECORDER SHALL, WITHIN THREE DAYS AFTER THE MISSING
2 SIGNATURE IS CONFIRMED, BUT IN NO EVENT LATER THAN TWO DAYS
3 AFTER ELECTION DAY, SEND TO THE ELIGIBLE ELECTOR AT THE ADDRESS
4 INDICATED IN THE REGISTRATION RECORDS AND TO THE ELIGIBLE
5 ELECTOR'S ELECTRONIC MAIL ADDRESS IF AVAILABLE A LETTER
6 EXPLAINING THE NEED FOR A SIGNATURE FOR VERIFICATION PURPOSES AND
7 A FORM WITH INSTRUCTIONS FOR THE ELIGIBLE ELECTOR TO:

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

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

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

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

25 (c) AN ORIGINAL RETURN ENVELOPE CONTAINING A VOTED BALLOT
26 THAT IS NOT COUNTED IN ACCORDANCE WITH SUBSECTION (1.5)(b) OF THIS
27 SECTION SHALL BE STORED UNDER SEAL AS AN ELECTION RECORD IN THE

1 OFFICE OF THE COUNTY CLERK AND RECORDER IN A SECURE LOCATION
2 SEPARATE FROM VALID RETURN ENVELOPES AND MAY BE REMOVED ONLY
3 UNDER THE AUTHORITY OF THE DISTRICT ATTORNEY OR BY ORDER OF A
4 COURT HAVING JURISDICTION.

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

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

11 **24-30-2108. Address use by state or local government**
12 **agencies.** (4) ~~A program participant who completes an application to~~
13 ~~register to vote at a driver's license examination facility while receiving~~
14 ~~a driver's license or an identification card pursuant to section 1-2-213,~~
15 ~~C.R.S., shall be required to have the participant's actual address on the~~
16 ~~driver's license or identification card.~~

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

19 **1-2-205. Self-affirmation made by elector. (2) Each elector**
20 **making application for registration or preregistration shall make the**
21 **following self-affirmation: "I,, affirm that I am a citizen of the United**
22 **States; I have been a resident of the state of Colorado for at least**
23 **twenty-two days immediately prior to BEFORE an election in which I**
24 **intend to vote IN; and I am at least sixteen years old and understand that**
25 **I must be eighteen years old to be eligible to vote. I further affirm that my**
26 **present address as stated herein THE RESIDENCE ADDRESS I PROVIDED is**
27 **my sole legal place of residence. that I claim no other place as my legal**

1 residence, and that I understand that I am committing a felony if I
2 knowingly give false information regarding my place of present
3 residence. I certify under penalty of perjury that I meet the registration or
4 preregistration qualifications of this state; that the information I have
5 provided on this application is true to the best of my knowledge and
6 belief; and that I have not, nor will I, cast more than one ballot in any
7 election.

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

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

12 **1-2-509. Reviewing voter registration applications -**
13 **notification.** (4) THIS SECTION DOES NOT APPLY TO VOTER
14 REGISTRATIONS RECEIVED PURSUANT TO SECTION 1-2-213, 1-2-213.3, OR
15 1-2-502.5.

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

18 **1-7.5-107. Procedures for conducting mail ballot election -**
19 **primary elections - first-time voters casting a mail ballot after having**
20 **registered by mail to vote - in-person request for ballot - repeal.**

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

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

1 Election Code of 1992".

2

3 Date Signature of voter

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

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

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

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

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

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

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

10 **SECTION 13. Act subject to petition - effective date.** Sections
11 1, 6, and 7 of this act take effect July 1, 2020, and the remainder of this
12 act takes effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly (August
14 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
15 referendum petition is filed pursuant to section 1 (3) of article V of the
16 state constitution against this act or an item, section, or part of this act
17 within such period, then the act, item, section, or part will not take effect
18 unless approved by the people at the general election to be held in
19 November 2020 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor. _____