

Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0329.01 Megan McCall x4215

SENATE BILL 24-072

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SENATE SPONSORSHIP

Gonzales,

HOUSE SPONSORSHIP

Rutinel,

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Senate Committees

State, Veterans, & Military Affairs

House Committees

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A BILL FOR AN ACT

101 CONCERNING PROVISIONS TO ENSURE THAT CONFINED ELIGIBLE  
102 ELECTORS AT A COUNTY JAIL OR DETENTION CENTER MAY VOTE.

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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>.)*

Under current law, county clerk and recorders must make best efforts to coordinate with the county sheriff or the county sheriff's designee at each county jail or detention center to facilitate voting for all confined eligible electors. The bill requires a county sheriff to designate at least one individual to facilitate voting for confined eligible electors at the county jail or detention center (sheriff's designee) and requires the

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

sheriff's designee to coordinate with the county clerk and recorder.

The sheriff's designee must provide information to confined individuals regarding eligibility to vote, how confined individuals can verify or change their voter registration, and how eligible confined individuals can register to vote and ensure there is reasonable access to resources to verify or change a voter registration or register to vote.

The bill also requires that the county clerk and recorder and the sheriff's designee coordinate to establish a temporary voter service and polling center at the county jail or detention center to allow one day of in-person voting for all confined eligible electors. The temporary voter service and polling center must be open for at least 6 hours. Additionally, the clerk and recorder is required to confirm through the department of corrections online offender database that a confined individual is not serving a felony sentence before the individual can register to vote or is permitted to vote at the temporary voter service and polling center.

Additionally, for mail ballot elections, the sheriff's designee is required to:

- Establish a location at the county jail or detention center for ballots voted by confined eligible electors to be returned;
- Ensure that confined eligible electors have information regarding the methods by which they may return voted ballots, the designated location for voted ballots to be returned, and the latest time on election day that ballots may be deposited at the designated location; and
- Inspect outgoing mail at the county jail or detention center for ballots and ensure that any ballots in outgoing mail are placed instead in the designated location for collection.

By not earlier than 3:00 p.m. on election day, a team of bipartisan election judges acting at the direction of the county clerk and recorder is required to conduct a final collection of ballots from the county jail or detention center that have been deposited at the designated location.

The bill further requires the election plan that is required under current law to include information concerning how the clerk and recorder and the sheriff's designee will facilitate the process for confined eligible electors to cure a deficiency on a voted ballot and requires the sheriff's designee to establish a process for a confined eligible elector to cure a deficiency on their ballot.

The failure of the sheriff or the sheriff's designee to comply with the requirements set forth in the bill constitutes an election offense that is a class 2 misdemeanor.

Finally, the office of the secretary of state is required to create training materials for county clerk and recorders to minimally use in providing training and technical assistance to the sheriff's designee.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-1-107, **add** (8) as  
3 follows:

4 **1-1-107. Powers and duties of secretary of state - penalty.**  
5 (8) THE OFFICE OF THE SECRETARY OF STATE SHALL CREATE TRAINING  
6 MATERIALS FOR COUNTY CLERKS AND RECORDERS TO USE TO PROVIDE  
7 TRAINING AND TECHNICAL ASSISTANCE TO THE INDIVIDUAL DESIGNATED  
8 BY THE SHERIFF PURSUANT TO SECTION 30-10-529 TO FACILITATE VOTING  
9 FOR CONFINED ELIGIBLE ELECTORS AT A COUNTY JAIL OR DETENTION  
10 CENTER.

11 **SECTION 2.** In Colorado Revised Statutes, 1-5-102.9, **add**  
12 (1)(b.9) and (1)(c)(III)(C) as follows:

13 **1-5-102.9. Voter service and polling centers - number required**  
14 **- services provided - drop-off locations - definition.** (1) (b.9) (I) FOR  
15 A GENERAL ELECTION, THE INDIVIDUAL DESIGNATED BY A COUNTY SHERIFF  
16 PURSUANT TO SECTION 30-10-529 TO FACILITATE VOTING FOR CONFINED  
17 ELIGIBLE ELECTORS AT A COUNTY JAIL OR DETENTION CENTER SHALL  
18 COORDINATE WITH THE COUNTY CLERK AND RECORDER TO ESTABLISH A  
19 TEMPORARY VOTER SERVICE AND POLLING CENTER ON A BUSINESS DAY  
20 DURING THE WEEK BEFORE ELECTION DAY AT THE COUNTY JAIL OR  
21 DETENTION CENTER TO ALLOW ONE DAY OF IN-PERSON VOTING FOR ALL  
22 CONFINED ELIGIBLE ELECTORS. THE TEMPORARY VOTER SERVICE AND  
23 POLLING CENTER MUST BE OPEN FOR A MINIMUM OF SIX HOURS.

24 (II) BEFORE REGISTERING A CONFINED INDIVIDUAL TO VOTE OR  
25 PERMITTING A CONFINED INDIVIDUAL TO VOTE DURING THE ONE DAY OF  
26 IN-PERSON VOTING PROVIDED IN THIS SUBSECTION (1)(b.9), THE COUNTY  
27 CLERK AND RECORDER MUST ACCESS THE INDIVIDUAL'S RECORD WITHIN

1 THE DEPARTMENT OF CORRECTIONS ONLINE OFFENDER DATABASE TO  
2 CONFIRM THAT THE INDIVIDUAL IS NOT CURRENTLY SERVING A SENTENCE  
3 FOR A FELONY CONVICTION.

4 (III) THE TEMPORARY VOTER SERVICE AND POLLING CENTER  
5 PROVIDED FOR IN SUBSECTION (1)(b.9)(I) OF THIS SECTION IS EXEMPT  
6 FROM THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION AND  
7 SECTION 1-7-106 (2).

8 (c) (III) (C) THE REQUIREMENTS OF SUBSECTION (1)(c)(III)(A) OF  
9 THIS SECTION DO NOT APPLY TO A TEMPORARY VOTER SERVICE AND  
10 POLLING CENTER THAT IS ESTABLISHED PURSUANT TO SUBSECTION (1)(b.9)  
11 OF THIS SECTION TO ALLOW ONE DAY OF IN-PERSON VOTING AT A COUNTY  
12 JAIL OR DETENTION CENTER FOR ALL CONFINED ELIGIBLE ELECTORS.

13 **SECTION 3.** In Colorado Revised Statutes, **amend** 1-7.5-113.5  
14 as follows:

15 **1-7.5-113.5. Voting at county jails or detention centers -**  
16 **definition.** (1) Each county clerk and recorder shall ~~make efforts to~~  
17 ~~coordinate with the county sheriff or the county sheriff's designee~~ THE  
18 INDIVIDUAL WHO THE COUNTY SHERIFF HAS DESIGNATED AS THE SHERIFF'S  
19 DESIGNEE PURSUANT TO SECTION 30-10-529 at each county jail or  
20 detention center to facilitate voting for all confined eligible electors. THE  
21 CLERK AND RECORDER SHALL PROVIDE TRAINING AND TECHNICAL  
22 ASSISTANCE TO THE SHERIFF'S DESIGNEE AND SHALL, AT A MINIMUM, USE  
23 THE MATERIALS CREATED BY THE OFFICE OF THE SECRETARY OF STATE  
24 PURSUANT TO SECTION 1-1-107 (8).

25 (2) The election plan required by section 1-7.5-105 must include  
26 the following information:

27 (a) How the county clerk and recorder will provide each county

1 jail or detention center with voter information materials consistent with  
2 the materials provided to nonconfined eligible electors, including at a  
3 minimum a list of acceptable forms of identification under section  
4 1-1-104 (19.5) and the information required by sections 1-40-124.5 and  
5 1-40-125, AND HOW THE SHERIFF'S DESIGNEE WILL ENSURE REASONABLE  
6 ACCESS TO SUCH MATERIALS AND INFORMATION IN ACCORDANCE WITH  
7 SECTION 30-10-529 (3);

8 (b) The process by which the county clerk and ~~the sheriff or the~~  
9 sheriff's designee will facilitate voter registration, IN-PERSON VOTING, and  
10 delivery and retrieval of mail ballots for confined eligible electors;

11 ~~(c) In counties that have issued electronic tablets to or made~~  
12 ~~electronic tablets available to confined eligible electors, the process by~~  
13 ~~which the county clerk and recorder and the sheriff or the sheriff's~~  
14 ~~designee will facilitate voter registration, ballot delivery, and ballot return~~  
15 ~~using electronic tablets issued to confined eligible electors. The election~~  
16 ~~plan must include the process for how confined eligible electors will be~~  
17 ~~provided access to register and vote without charge and in a confidential~~  
18 ~~manner; and~~

19 (d) The number of confined eligible voters who registered to vote  
20 in the prior year and the number of confined eligible voters who voted in  
21 the last November election; AND

22 (e) HOW THE CLERK AND RECORDER AND THE SHERIFF'S DESIGNEE  
23 WILL FACILITATE THE PROCESS FOR A CONFINED ELIGIBLE ELECTOR TO  
24 CURE A DEFICIENCY ON THEIR BALLOT PURSUANT TO SECTIONS 1-7.5-107  
25 (3.5) AND 1-7.5-107.3 (1.5).

26 (3) (a) AFTER BALLOTS HAVE BEEN DELIVERED PURSUANT TO THE  
27 PROCESS IDENTIFIED IN SUBSECTION (2)(b) OF THIS SECTION, THE SHERIFF'S

1 DESIGNEE SHALL INSPECT ALL OUTGOING MAIL AT THE COUNTY JAIL OR  
2 DETENTION FACILITY FOR BALLOTS AND SHALL ENSURE THAT ANY  
3 BALLOTS IN OUTGOING MAIL ARE PLACED INSTEAD IN A DESIGNATED  
4 LOCATION FOR COLLECTION.

5 (b) BY NO LATER THAN 9:00 A.M. ON ELECTION DAY, THE SHERIFF'S  
6 DESIGNEE SHALL ENSURE THAT CONFINED INDIVIDUALS HAVE  
7 INFORMATION REGARDING THE LOCATION WHERE CONFINED ELIGIBLE  
8 ELECTORS MUST DEPOSIT THEIR BALLOTS AND THE LATEST TIME ON  
9 ELECTION DAY THAT BALLOTS MAY BE DEPOSITED AT THE DESIGNATED  
10 LOCATION.

11 (c) (I) BEGINNING NOT EARLIER THAN 3:00 P.M. ON ELECTION DAY,  
12 A TEAM OF BIPARTISAN ELECTION JUDGES ACTING AT THE DIRECTION OF  
13 THE CLERK AND RECORDER OF THE COUNTY IN WHICH THE JAIL OR  
14 DETENTION CENTER IS LOCATED SHALL CONDUCT A FINAL COLLECTION OF  
15 BALLOTS THAT HAVE BEEN DEPOSITED AT THE DESIGNATED LOCATION.

16 (II) AS USED IN THIS SUBSECTION (3)(c), "ELECTION JUDGE" HAS  
17 THE SAME MEANING AS SET FORTH IN SECTION 1-6-101 (1).

18 **SECTION 4.** In Colorado Revised Statutes, **add** 30-10-529 as  
19 follows:

20 **30-10-529. Coordinator for voting at county jails or detention**  
21 **centers - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT  
22 OTHERWISE REQUIRES:

23 (a) "BALLOT INFORMATION BOOKLET" MEANS THE BALLOT  
24 INFORMATION BOOKLET PUBLISHED AND DISTRIBUTED PURSUANT TO  
25 SECTION 1-40-124.5.

26 (b) "DESIGNEE" MEANS AN INDIVIDUAL DESIGNATED PURSUANT TO  
27 SUBSECTION (2) OF THIS SECTION.

1           (2) EACH SHERIFF SHALL DESIGNATE AT LEAST ONE INDIVIDUAL TO  
2 FACILITATE VOTING FOR ALL CONFINED ELIGIBLE ELECTORS AT A COUNTY  
3 JAIL OR DETENTION CENTER.

4           (3) THE DESIGNEE SHALL:

5           (a) COORDINATE WITH THE COUNTY CLERK AND RECORDER  
6 PURSUANT TO SECTIONS 1-5-102.9 (1)(b.9) AND 1-7.5-113.5;

7           (b) ENSURE THAT ALL CONFINED ELIGIBLE ELECTORS HAVE  
8 REASONABLE ACCESS TO THE BALLOT INFORMATION BOOKLET, THE  
9 INFORMATION REQUIRED BY SECTION 1-40-125, AND ANY  
10 ELECTION-RELATED MATERIALS THAT ARE PREPARED AND PROVIDED TO  
11 THE DESIGNEE IN SUPPORT OF OR IN OPPOSITION TO ANY CANDIDATE OR  
12 ISSUE ON THE BALLOT;

13           (c) ENSURE THAT NOTICE OF THE DATE AND TIME FOR THE ONE DAY  
14 OF IN-PERSON VOTING AT THE JAIL OR DETENTION CENTER PURSUANT TO  
15 SECTION 1-5-102.9 (1)(b.9) IS PROVIDED TO CONFINED INDIVIDUALS,  
16 INCLUDING NOTICE THAT, IF ELIGIBLE TO VOTE, CONFINED INDIVIDUALS  
17 MAY REGISTER TO VOTE AT THE TEMPORARY VOTER SERVICE AND POLLING  
18 CENTER ESTABLISHED FOR THE ONE DAY OF IN-PERSON VOTING;

19           (d) PROVIDE TO CONFINED INDIVIDUALS INFORMATION REGARDING  
20 ELIGIBILITY TO VOTE, HOW CONFINED INDIVIDUALS CAN VERIFY OR  
21 CHANGE THEIR VOTER REGISTRATION, AND HOW CONFINED INDIVIDUALS,  
22 IF ELIGIBLE TO VOTE, CAN REGISTER TO VOTE;

23           (e) ENSURE THAT CONFINED INDIVIDUALS WHO WANT TO VERIFY  
24 OR CHANGE THEIR VOTER REGISTRATION OR REGISTER TO VOTE HAVE  
25 REASONABLE ACCESS TO RESOURCES TO DO SO;

26           (f) ESTABLISH A LOCATION AT THE COUNTY JAIL OR DETENTION  
27 CENTER FOR CONFINED ELIGIBLE ELECTORS TO RETURN THEIR BALLOTS

1 FOR COLLECTION BY A TEAM OF BIPARTISAN ELECTION JUDGES ACTING AT  
2 THE DIRECTION OF THE CLERK AND RECORDER PURSUANT TO SECTION  
3 1-7.5-113.5 (3)(c)(I), AND PROVIDE INFORMATION TO CONFINED  
4 INDIVIDUALS CONCERNING THE METHODS BY WHICH BALLOTS CAN BE  
5 RETURNED, THE LOCATION IN THE COUNTY JAIL OR DETENTION CENTER  
6 WHERE BALLOTS CAN BE RETURNED, AND THE DEADLINES FOR RETURNING  
7 BALLOTS; AND

8 (g) ESTABLISH A PROCESS FOR A CONFINED ELIGIBLE ELECTOR TO  
9 HAVE THE OPPORTUNITY TO CURE A DEFICIENCY ON THEIR BALLOT  
10 PURSUANT TO SECTIONS 1-7.5-107 (3.5) AND 1-7.5-107.3 (1.5).

11 (4) INFORMATION PROVIDED BY THE DESIGNEE AND ACTIONS  
12 TAKEN BY THE DESIGNEE PURSUANT TO THIS SECTION MUST BE IN  
13 ACCORDANCE WITH ANY APPLICABLE PROVISIONS CONCERNING ELECTIONS  
14 SET FORTH IN TITLE 1.

15 (5) THE PROVISIONS SET FORTH IN SECTION 1-13-107 APPLY TO  
16 ANY FAILURE BY THE SHERIFF OR THE SHERIFF'S DESIGNEE TO COMPLY  
17 WITH THE REQUIREMENTS OF THIS SECTION.

18 **SECTION 5. Applicability.** This act applies to elections that are  
19 conducted on or after the effective date of this act.

20 **SECTION 6. Safety clause.** The general assembly finds,  
21 determines, and declares that this act is necessary for the immediate  
22 preservation of the public peace, health, or safety or for appropriations for  
23 the support and maintenance of the departments of the state and state  
24 institutions.