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MEMORANDUM¹

TO: Statutory Revision Committee

FROM: Megan Waples, Office of Legislative Legal Services

DATE: February 19, 2021

SUBJECT: Repeal of statutes allowing certain 17-year-old individuals to vote in primary elections.

Summary

In 2019, the General Assembly enacted statutes authorizing a person who is preregistered to vote, is seventeen years old on the date of a primary election, and will be eighteen years old on the date of the next general election to vote in the primary election as part of House Bill 19-1278. At the 2020 general election, the voters of the state adopted Amendment 76, which amended the provisions in the Colorado constitution concerning the qualifications of an elector. Under Amendment 76, **only** a citizen of the United States who is at least eighteen years old is eligible to vote in any election. Under the amended constitutional language, the provisions of House Bill 19-1278 allowing certain seventeen-year-old individuals to vote in a primary election are unconstitutional. The Office of Legislative Legal Services identified this conflict.

¹ This legal memorandum was prepared by the Office of Legislative Legal Services (OLLS) in the course of its statutory duty to provide staff assistance to the Statutory Revision Committee (SRC). It does not represent an official legal position of the SRC, General Assembly, or the state of Colorado, and is not binding on the members of the SRC or the members of the General Assembly. This memorandum is intended for use in the legislative process and as information to assist the SRC in the performance of its legislative duties.

Analysis

1. Background.

In House Bill 19-1278, the General Assembly enacted section 1-2-101 (2)(c), C.R.S, authorizing an individual who is preregistered in accordance with the "Uniform Election Code of 1992" (code), is seventeen years of age on the date of a primary election, and will be eighteen years of age on the date of the next general election to vote in the primary election:

1-2-101. Qualifications for registration – preregistration. (2)(c) A person preregistered under this subsection (2) who is seventeen years of age on the date of a primary election or presidential primary election and who will be eighteen years of age on the date of the next general election is entitled to vote in the primary election or presidential primary election.

House Bill 19-1278 made additional conforming amendments throughout the code implementing this provision, including provisions requiring county clerks and recorders to send mail ballots to eligible preregistrants in a primary election and allowing an eligible preregistrant to vote in person at a primary election.²

At the time House Bill 19-1278 was enacted, section 1 of article VII of the Colorado Constitution provided:

Section 1. Qualifications of Elector. Every citizen of the United States who has attained the age of eighteen years, has resided in this state for such time as may be prescribed by law, and has been duly registered as a voter if required by law shall be qualified to vote at all elections.

At the November 2020 general election, Colorado voters approved Amendment 76, which amended this constitutional provision. Amendment 76 was a citizen-initiated amendment that changed the language of section 1 to read:

Only a citizen of the United States who has attained the age of eighteen years, has resided in this state for such time as may be prescribed by law, and has been duly registered as a voter if required by law shall be qualified to vote at all elections. (**Emphasis added.**)

² See §§ 1-7-201 (1), (2.3), 1-7.5-107 (3)(a)(I), C.R.S. See also, §§ 1-2-205 (2), 1-2-202.5 (3)(a)(I), 1-2-227 (2), 1-3-101 (1)(a), 1-4-806, 1-9-203 (4), and 1-9-204 (1), C.R.S. (attached as Addendum A).

According to the 2020 Ballot Information Booklet, commonly called the Blue Book, the amendment was intended to preclude the state from pursuing policies that would allow noncitizens to vote by specifying in the constitution that *only* a citizen of the United States who met the other qualifications of the section could vote.³ The amendment passed with 62.9% of the vote.

2. The passage of Amendment 76 makes the statutes allowing certain seventeen-year-old individuals to vote in primary elections unconstitutional.

The statutes allowing a preregistered individual who is seventeen years old on the date of a primary election and who will be eighteen on the date of the general election to vote in the primary election are in conflict with the amended language of article VII, section 1, rendering them unconstitutional. When construing a constitutional amendment, the duty of a reviewing court is to "give effect to the electorate's intent in enacting the amendment."⁴ The words of the amendment are given their ordinary and popular meaning, and if the words are unambiguous, they are applied as written.⁵ "If the intent of the electorate is not clear from the language of an amendment, courts should construe the amendment in light of the objective sought to be achieved and the mischief to be avoided by the amendment."⁶

As amended, article VII, section 1 of the Colorado Constitution unambiguously states that only a citizen of the United States who is at least eighteen years old is qualified to vote in an election. Unlike the previous language of "every citizen," the phrase "only a citizen" unequivocally limits the right to vote to those who meet the criteria specified in article VII, section 1, including that the individual be at least eighteen years old. Colorado courts have repeatedly found that the use of the word "only" is exclusionary. For example, in considering a statute concerning the circumstances in which a court can disqualify a district attorney, the Colorado Supreme Court held, "in using the word 'only' and defining with specificity the circumstances under which disqualification is proper, the [statute] eliminates" other bases which are not specifically listed as grounds for disqualification.⁷ Similarly, in applying a statute governing when a child may be

³ *2020 State Ballot Information Booklet*, Legislative Council of the Colorado General Assembly, Research Publication No 748-1,18.

⁴ *Lobato v. People*, 218 P.3d 358, 375 (Colo. 2009).

⁵ *Ritchie v. Polis*, 2020 CO 69, ¶ 7; *Lobato*, 218 P.3d at 375.

⁶ *Lobato*, 218 P.3d at 375. (Internal quotation marks and citation omitted).

⁷ *People ex rel. N.R.*, 139 P.3d 671, 676 (Colo. 2006).

available for adoption, the Court of Appeals looked to the dictionary definition of "only" and held that it was "synonymous with 'exclusively' or 'solely'...and its use serves to delimit" the situations in which a child could be available for adoption.⁸ Following the adoption of Amendment 76, article VII, section 1 establishes with specificity the qualifications of electors. The use of the word "only" necessarily excludes those who do not meet those criteria from being qualified electors.

To the extent the language of the amendment itself is not clear, a reviewing court may look to other contemporaneous indicators of the intent of the electorate, including the Blue Book's explanation of the impact of the initiative.⁹ In this case, the Blue Book noted that the purpose of Amendment 76 was to prevent the state from expanding the right to vote beyond the qualifications set forth in the constitution. While the objective of the amendment was to ensure the enforcement of the requirement for citizenship, the Blue Book informed voters that the amendment would also prevent "the state from extending voter eligibility to...those under the age of 18."¹⁰ It also specifically noted that "under Amendment 76, 17-year-olds who are currently able to vote in primary elections will no longer be eligible to do so."¹¹ Thus voters were informed and understood that passage of the measure would render section 1-2-101 (2)(c), C.R.S., and the associated statutes implementing its provisions unconstitutional.

Statutory Charge¹²

The Statutory Revision Committee (SRC) is charged with discovering "defects and anachronisms in the law" and recommending legislation "to effect such changes in the law as it deems necessary in order to modify or eliminate antiquated, redundant, or contradictory rules of law." The sections of the code authorizing certain seventeen-

⁸ *In re Adoption of T.K.J.*, 931 P.2d 488, 492 (Colo. Ct. App. 1996).

⁹ *See, e.g., Lobato*, 218 P.3d at 375.

¹⁰ *2020 State Ballot Information Booklet*, 18.

¹¹ *Id.*

¹² The Statutory Revision Committee is charged with "[making] an ongoing examination of the statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms" and recommending "legislation annually to effect such changes in the law as it deems necessary in order to modify or eliminate antiquated, redundant, or contradictory rules of law and to bring the law of this state into harmony with modern conditions." § 2-3-902 (1), C.R.S. In addition, the SRC "shall propose legislation only to streamline, reduce, or repeal provisions of the Colorado Revised Statutes." § 2-3-902 (3), C.R.S.

year-old individuals to vote in primary elections and requiring county clerks and recorders to send those individuals mail ballots in primary elections, along with other implementing requirements, contradict the amended language of article VII, section 1, of the Colorado constitution. Repealing these provisions comports with the committee's charge to eliminate contradictory rules of law and to harmonize the laws of the state; however, a Colorado court has not yet considered or issued an opinion on the question of whether Amendment 76 renders these statutes unconstitutional.

Proposed Bill

The attached bill draft repeals the statutory provisions enacted in House Bill 19-1278 authorizing an individual who is preregistered, is seventeen years old on the date of a primary election, and who will be eighteen years old on the date of a general election to vote in the primary election, including the conforming amendments to implement that requirement.

ADDENDUM A

1-2-101. Qualifications for registration - preregistration. (1) Every person who is eighteen years of age or older on the date of the next election and who has the following qualifications is entitled to register to vote at all elections:

(a) The person is a citizen of the United States; and

(b) The person has resided in this state twenty-two days immediately prior to the election at which the person intends to vote.

(2) (a) (I) Notwithstanding subsection (1) of this section, upon satisfactory proof of age, every person who is otherwise qualified to register and is sixteen years of age or older but will not have reached eighteen years of age by the date of the next election may preregister and update his or her preregistered information by any means authorized in this article for persons eighteen years of age or older. Upon reaching eighteen years of age, the person is automatically registered.

(II) Repealed.

(b) The registration requirements of section 1-2-201 apply to a person preregistering to vote under this subsection (2).

(c) A person preregistered under this subsection (2) who is seventeen years of age on the date of a primary election or presidential primary election and who will be eighteen years of age on the date of the next general election is entitled to vote in the primary election or presidential primary election.

(3) Repealed.

1-2-202.5. Online voter registration - online changes in elector information. (3) The electronic voter registration form must include:

(a) (I) The questions "Are you a citizen of the United States of America?", "Are you at least sixteen years of age?", "Do you understand that you must be at least seventeen years old and turning eighteen years old on or before the date of the next general election to be eligible to vote in a primary election, and at least eighteen years old to be eligible to vote in any other election?", "Have you resided in Colorado for at least twenty-two days immediately prior to the election?", "Do you reside in the precinct in which you intend to register?", "Is the address you have listed your sole legal place of residence for purposes of voting?", and "Do you affirm that you will not cast more than one ballot in any election?" and places for the elector to input answers to the questions.

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 Colorado for at least twenty-two days immediately before an election I intend to vote in; I am at least sixteen years old; and I understand that I must be at least seventeen and turning eighteen on or before the date of the next general election to be eligible to vote in a primary election, and at least eighteen to be eligible to vote in any other election. I further affirm that the residence address I provided is my sole legal place of residence. I certify under penalty of perjury 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."

1-2-227. Custody and preservation of records. (2) The voter information provided by a preregistrant who will not turn eighteen years of age by the date of the next election shall be kept confidential in the same manner as, and using the programs developed for, information that is kept confidential pursuant to section 24-72-204 (3.5). Nothing in this subsection (2) shall be construed to require any request, application, or fee for such confidentiality. When the preregistrant will be eighteen years of age on the date of the next election, or on January 1 of the year in which the preregistrant will be eligible to vote in any primary election under section 1-2-101 (2)(c), such information is no longer confidential under this subsection (2).

1-3-101. Party affiliation required - residence. (1) (a) In order to vote at any precinct caucus, assembly, or convention of a political party, the elector must be a resident of the precinct for twenty-two days, must be registered to vote no later than twenty-two days before the caucus, assembly, or convention, and must be affiliated with the political party holding the caucus, assembly, or convention for at least twenty-two days as shown in the statewide voter registration system; except that any registered elector who has attained the age of eighteen years or who has become a naturalized citizen during the twenty-two days immediately preceding the meeting may vote at any caucus, assembly, or convention even though the elector has been affiliated with the political party for less than twenty-two days. Any preregistrant who is seventeen years of age on the date of a caucus and who will be eighteen years of age on the date of the next general election may either vote at any caucus, assembly, or convention or be elected as a delegate to any assembly or convention even though the elector has been affiliated with the political party for less than twenty-two days.

1-4-806. Preregistrants eligible to sign petitions. A preregistrant who is eligible to vote in a primary election under section 1-2-101 (2)(c) is eligible to sign a petition under this part 8 to nominate a candidate for the primary election or for the next general election.

1-7-201. Voting at primary election. (1) Any registered elector, including a preregistrant who is eligible under section 1-2-101 (2)(c), who has declared an affiliation with a political party that is participating in a primary election and who desires to vote for candidates of that party at a primary election shall show identification, as defined in section 1-1-104 (19.5), write his or her name and address on a form available at the voter service and polling center, and give the form to one of the election judges.

(2.3) An eligible unaffiliated elector, including a preregistrant who is eligible under section 1-2-101 (2)(c), is entitled to vote in the primary election of a major political party without affiliating with that political party. To vote in a political party's primary election without declaring an affiliation with the political party, any eligible unaffiliated elector shall declare to the election judges the name of the political party in whose primary election the elector wishes to vote. Thereupon, the election judges shall deliver the appropriate party ballot to the elector. In addition, any eligible unaffiliated elector may openly declare to the election judges the name of the political party with which the elector wishes to affiliate and complete the necessary forms. An eligible elector must separately date and sign or date and initial a declaration of affiliation with a political party form in such manner that the elector clearly acknowledges that the affiliation has been properly recorded. Thereupon, the election judges shall deliver the appropriate party ballot to the eligible elector.

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) (a) (I) Not sooner than twenty-two days before a general, primary, or other mail ballot election, and no later than eighteen days before the election, the county clerk and recorder or designated election official shall mail to each active registered elector, at the last mailing address appearing in the registration records and in accordance with United States postal service regulations, a mail ballot packet, which must be marked "DO NOT FORWARD. ADDRESS CORRECTION REQUESTED.", or any other similar statement that is in accordance with United States postal service regulations. For a primary mail ballot election, active registered electors includes preregistrants eligible to vote in that primary under section 1-2-101 (2)(c). Nothing in this subsection (3) affects any provision of this code governing the delivery of mail ballots to an absent uniformed services elector, nonresident overseas elector, or resident overseas elector covered by the federal "Uniformed and Overseas Citizens Absentee Voting Act", 52 U.S.C. sec. 20301 et seq.

1-9-203. Challenge questions asked person intending to vote. (4) (a) If the person is challenged as not eligible to vote in an election other than a primary election because the person will not be eighteen years of age or older on or before election day, an election judge shall ask the following question: To the best of your knowledge and belief, will you be eighteen years of age or older on election day?

(b) If the person is challenged as not eligible to vote in a primary election because the person will not be eighteen years of age on or before the date of the next general election, an election judge shall ask the following question: To the best of your knowledge and belief, are you at least seventeen years of age and will you be at least eighteen years of age on or before the date of the next general election?

1-9-204. Oath of challenged elector. (1) An election judge shall tender an oath substantially in the following form: "I do solemnly swear or affirm that I have fully and truthfully answered all questions that have been put to me concerning my place of residence and my qualifications as an eligible elector at this election. I further swear or affirm that I am a citizen of the United States; that I am at least seventeen years of age and will be at least eighteen years of age on or before the date of the next general election if I am voting in a primary election or that I will be of the age of eighteen years or older on election day if I am voting in any other election; that I have been a resident of this state for at least twenty-two days immediately preceding this election and have not maintained a home or domicile elsewhere; that I am a registered elector in this precinct; that I am eligible to vote at this election; and that I have not previously voted at this election."

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

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2.18.21

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LLS NO. 21-0804.01 Megan Waples x4348

COMMITTEE BILL

Statutory Revision Committee

BILL TOPIC: "Repeal 17 Year Olds Voting Primary Elections"

A BILL FOR AN ACT

101 **CONCERNING THE REPEAL OF STATUTES ALLOWING AN INDIVIDUAL**
102 **WHO IS SEVENTEEN YEARS OLD ON THE DATE OF A PRIMARY AND**
103 **WILL BE EIGHTEEN YEARS OLD ON THE DATE OF THE NEXT**
104 **GENERAL ELECTION TO PARTICIPATE IN THE PRIMARY ELECTION**
105 **AS A RESULT OF THE PASSAGE OF AMENDMENT 76 AT THE 2020**
106 **GENERAL ELECTION.**

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/>.)

Statutory Revision Committee. As part of House Bill 19-1278,

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

the general assembly enacted statutes authorizing a person who is preregistered under the "Uniform Election Code of 1992" (code), is 17 years old on the date of a primary election, and will be 18 years old on the date of the next general election to vote in the primary election. House Bill 19-1278 made conforming amendments throughout the code to implement this change. In the 2020 general election, the voters of the state adopted Amendment 76, amending the state constitution to specify that "[o]nly a citizen of the United States who has attained the age of eighteen years...shall be qualified to vote at all elections".

The bill repeals the provisions enacted as part of House Bill 19-1278 authorizing certain 17 year olds to vote and participate in primary elections.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-2-101, **repeal**
3 (2)(c) as follows:

4 **1-2-101. Qualifications for registration - preregistration.**

5 ~~(2) (c) A person preregistered under this subsection (2) who is seventeen~~
6 ~~years of age on the date of a primary election or presidential primary~~
7 ~~election and who will be eighteen years of age on the date of the next~~
8 ~~general election is entitled to vote in the primary election or presidential~~
9 ~~primary election.~~

10 **SECTION 2.** In Colorado Revised Statutes, 1-2-202.5, **amend**
11 (3)(a)(I) as follows:

12 **1-2-202.5. Online voter registration - online changes in elector**
13 **information.** (3) The electronic voter registration form must include:

14 (a) (I) The questions "Are you a citizen of the United States of
15 America?", "Are you at least sixteen years of age?", "Do you understand
16 that you must be at least ~~seventeen years old and turning eighteen years~~
17 ~~old on or before the date of the next general election to be eligible to vote~~
18 ~~in a primary election, and at least eighteen years old to be eligible to~~
19 ~~vote?", in any other election?"; "Have you resided in Colorado for at least~~

1 twenty-two days immediately prior to the election?", "Do you reside in the
2 precinct in which you intend to register?", "Is the address you have listed
3 your sole legal place of residence for purposes of voting?", and "Do you
4 affirm that you will not cast more than one ballot in any election?" and
5 places for the elector to input answers to the questions.

6 **SECTION 3.** In Colorado Revised Statutes, 1-2-205, **amend** (2)
7 as follows:

8 **1-2-205. Self-affirmation made by elector.** (2) Each elector
9 making application for registration or preregistration shall make the
10 following self-affirmation: "I, ..., affirm that I am a citizen of the United
11 States; I have been a resident of Colorado for at least twenty-two days
12 immediately before an election I intend to vote in; I am at least sixteen
13 years old; and I understand that I must be at least ~~seventeen and turning~~
14 ~~eighteen on or before the date of the next general election to be eligible~~
15 ~~to vote in a primary election, and at least eighteen to be eligible to vote.~~
16 ~~in any other election.~~ I further affirm that the residence address I provided
17 is my sole legal place of residence. I certify under penalty of perjury that
18 the information I have provided on this application is true to the best of
19 my knowledge and belief; and that I have not, nor will I, cast more than
20 one ballot in any election."

21 **SECTION 4.** In Colorado Revised Statutes, 1-2-227, **amend** (2)
22 as follows:

23 **1-2-227. Custody and preservation of records.** (2) The voter
24 information provided by a preregistrant who will not turn eighteen years
25 of age by the date of the next election shall be kept confidential in the
26 same manner as, and using the programs developed for, information that
27 is kept confidential pursuant to section 24-72-204 (3.5). Nothing in this

1 subsection (2) shall be construed to require any request, application, or
2 fee for such confidentiality. When the preregistrant will be eighteen years
3 of age on the date of the next election, ~~or on January 1 of the year in~~
4 ~~which the preregistrant will be eligible to vote in any primary election~~
5 ~~under section 1-2-101 (2)(c)~~, such information is no longer confidential
6 under this subsection (2).

7 **SECTION 5.** In Colorado Revised Statutes, 1-3-101, **amend**
8 (1)(a) as follows:

9 **1-3-101. Party affiliation required - residence.** (1) (a) In order
10 to vote at any precinct caucus, assembly, or convention of a political
11 party, the elector must be a resident of the precinct for twenty-two days,
12 must be registered to vote no later than twenty-two days before the
13 caucus, assembly, or convention, and must be affiliated with the political
14 party holding the caucus, assembly, or convention for at least twenty-two
15 days as shown in the statewide voter registration system; except that any
16 registered elector who has attained the age of eighteen years or who has
17 become a naturalized citizen during the twenty-two days immediately
18 preceding the meeting may vote at any caucus, assembly, or convention
19 even though the elector has been affiliated with the political party for less
20 than twenty-two days. ~~Any preregistrant who is seventeen years of age on~~
21 ~~the date of a caucus and who will be eighteen years of age on the date of~~
22 ~~the next general election may either vote at any caucus, assembly, or~~
23 ~~convention or be elected as a delegate to any assembly or convention even~~
24 ~~though the elector has been affiliated with the political party for less than~~
25 ~~twenty-two days.~~

26 **SECTION 6.** In Colorado Revised Statutes, **repeal** 1-4-806 as
27 follows:

1 **1-4-806. Preregistrants eligible to sign petitions.** A preregistrant
2 who is eligible to vote in a primary election under section 1-2-101 (2)(c)
3 is eligible to sign a petition under this part 8 to nominate a candidate for
4 the primary election or for the next general election.

5 **SECTION 7.** In Colorado Revised Statutes, 1-7-201, **amend** (1)
6 and (2.3) as follows:

7 **1-7-201. Voting at primary election.** (1) Any registered elector
8 including a preregistrant who is eligible under section 1-2-101 (2)(c), who
9 has declared an affiliation with a political party that is participating in a
10 primary election and who desires to vote for candidates of that party at a
11 primary election shall show identification, as defined in section 1-1-104
12 (19.5), write his or her name and address on a form available at the voter
13 service and polling center, and give the form to one of the election judges.

14 (2.3) An eligible unaffiliated elector including a preregistrant who
15 is eligible under section 1-2-101 (2)(c), is entitled to vote in the primary
16 election of a major political party without affiliating with that political
17 party. To vote in a political party's primary election without declaring an
18 affiliation with the political party, any eligible unaffiliated elector shall
19 declare to the election judges the name of the political party in whose
20 primary election the elector wishes to vote. Thereupon, the election
21 judges shall deliver the appropriate party ballot to the elector. In addition,
22 any eligible unaffiliated elector may openly declare to the election judges
23 the name of the political party with which the elector wishes to affiliate
24 and complete the necessary forms. An eligible elector must separately
25 date and sign or date and initial a declaration of affiliation with a political
26 party form in such manner that the elector clearly acknowledges that the
27 affiliation has been properly recorded. Thereupon, the election judges

1 shall deliver the appropriate party ballot to the eligible elector.

2 **SECTION 8.** In Colorado Revised Statutes, 1-7.5-107, **amend**
3 (3)(a)(I) as follows:

4 **1-7.5-107. Procedures for conducting mail ballot election -**
5 **primary elections - first-time voters casting a mail ballot after having**
6 **registered by mail to vote - in-person request for ballot - repeal.**

7 (3) (a) (I) Not sooner than twenty-two days before a general, primary, or
8 other mail ballot election, and no later than eighteen days before the
9 election, the county clerk and recorder or designated election official shall
10 mail to each active registered elector, at the last mailing address
11 appearing in the registration records and in accordance with United States
12 postal service regulations, a mail ballot packet, which must be marked
13 "DO NOT FORWARD. ADDRESS CORRECTION REQUESTED.", or
14 any other similar statement that is in accordance with United States postal
15 service regulations. ~~For a primary mail ballot election, active registered~~
16 ~~electors includes preregistrants eligible to vote in that primary under~~
17 ~~section 1-2-101 (2)(c).~~ Nothing in this subsection (3) affects any
18 provision of this code governing the delivery of mail ballots to an absent
19 uniformed services elector, nonresident overseas elector, or resident
20 overseas elector covered by the federal "Uniformed and Overseas
21 Citizens Absentee Voting Act", 52 U.S.C. sec. 20301 et seq.

22 **SECTION 9.** In Colorado Revised Statutes, 1-9-203, **amend** (4)
23 as follows:

24 **1-9-203. Challenge questions asked person intending to vote.**

25 (4) ~~(a)~~ If the person is challenged as not eligible to vote ~~in an election~~
26 ~~other than a primary election~~ because the person will not be eighteen
27 years of age or older on or before election day, an election judge shall ask

1 the following question: To the best of your knowledge and belief, will
2 you be eighteen years of age or older on election day?

3 ~~(b) If the person is challenged as not eligible to vote in a primary~~
4 ~~election because the person will not be eighteen years of age on or before~~
5 ~~the date of the next general election, an election judge shall ask the~~
6 ~~following question: To the best of your knowledge and belief, are you at~~
7 ~~least seventeen years of age and will you be at least eighteen years of age~~
8 ~~on or before the date of the next general election?~~

9 **SECTION 10.** In Colorado Revised Statutes, 1-9-204, **amend** (1)
10 as follows:

11 **1-9-204. Oath of challenged elector.** (1) An election judge shall
12 tender an oath substantially in the following form: "I do solemnly swear
13 or affirm that I have fully and truthfully answered all questions that have
14 been put to me concerning my place of residence and my qualifications
15 as an eligible elector at this election. I further swear or affirm that I am
16 a citizen of the United States; that ~~I am at least seventeen years of age and~~
17 ~~will be at least eighteen years of age on or before the date of the next~~
18 ~~general election if I am voting in a primary election or that I will be of the~~
19 ~~age of eighteen years or older on election day; if I am voting in any other~~
20 ~~election;~~ that I have been a resident of this state for at least twenty-two
21 days immediately preceding this election and have not maintained a home
22 or domicile elsewhere; that I am a registered elector in this precinct; that
23 I am eligible to vote at this election; and that I have not previously voted
24 at this election."

25 **SECTION 11. Act subject to petition - effective date -**
26 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
27 the expiration of the ninety-day period after final adjournment of the

1 general assembly; except that, if a referendum petition is filed pursuant
2 to section 1 (3) of article V of the state constitution against this act or an
3 item, section, or part of this act within such period, then the act, item,
4 section, or part will not take effect unless approved by the people at the
5 general election to be held in November 2022 and, in such case, will take
6 effect on the date of the official declaration of the vote thereon by the
7 governor.

8 (2) This act applies to elections conducted on or after the
9 applicable effective date of this act.

10 <{*Would the committee prefer a safety clause?*}>