

## CHAPTER 294

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**ELECTIONS**

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**HOUSE BILL 94-1294**

BY REPRESENTATIVES Ratterree, Blue, Chlouber, Knox, Linkhart, Pierson, Rupert, and Wright;  
also SENATOR Wattenberg.

**AN ACT**

**CONCERNING IMPLEMENTATION OF THE "NATIONAL VOTER REGISTRATION ACT OF 1993", AND, IN CONNECTION THEREWITH, PROVIDING FOR REGISTRATION OF VOTERS BY MAIL, AT PUBLIC ASSISTANCE OFFICES, AND AT OTHER GOVERNMENT OFFICES, MAKING OTHER CHANGES IN RESPONSE TO THE FEDERAL ACT, AND MAKING AN APPROPRIATION THEREFOR.**

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

**SECTION 1.** 1-1-104 (3), (37), and (38), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended, and the said 1-1-104 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

**1-1-104. Definitions.** As used in this code, unless the context otherwise requires:

(3) ~~"Branch registration" means a voter registration site maintained by the county clerk and recorder at a temporary location during periods of anticipated heavy registration, with staff and locations chosen from those submitted by the chairpersons of the two major political parties.~~

(9.5) "DRIVER'S LICENSE" MEANS ANY LICENSE, TEMPORARY INSTRUCTION PERMIT, OR TEMPORARY LICENSE ISSUED UNDER THE LAWS OF THIS STATE PERTAINING TO THE LICENSING OF PERSONS TO OPERATE MOTOR VEHICLES AND ANY IDENTIFICATION CARD ISSUED UNDER PART 4 OF ARTICLE 2 OF TITLE 42, C.R.S.

(33.5) "PUBLIC ASSISTANCE" INCLUDES, BUT IS NOT NECESSARILY LIMITED TO, ASSISTANCE PROVIDED UNDER THE FOLLOWING PROGRAMS:

(a) THE FOOD STAMP PROGRAM, AS PROVIDED IN PART 3 OF ARTICLE 2 OF TITLE 26, C.R.S.;

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(b) PROGRAMS ESTABLISHED PURSUANT TO THE "COLORADO MEDICAL ASSISTANCE ACT", ARTICLE 4 OF TITLE 26, C.R.S.;

(c) THE SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN, AS PROVIDED FOR IN 42 U.S.C. SEC. 1786;

(d) AID TO FAMILIES WITH DEPENDENT CHILDREN, AS PROVIDED IN ARTICLE 2 OF TITLE 26, C.R.S.

(37) "Registration list" means the computer list of electors registered and eligible to vote in a given election on the ~~twenty-fifth~~ THIRTIETH day before the election, as furnished and certified by the county clerk and recorder to the designated election official.

(38) "Registration record" means the approved and completed form on which an elector has registered to vote, which includes the original signature of the registrant. ~~or that of the family member registering that elector.~~ "Registration record" includes a standard-size approved elector registration record to which a nonstandard completed form has been transferred by copy or manual entry.

(50.5) "VOTER REGISTRATION AGENCY" MEANS AN OFFICE DESIGNATED IN SECTION 1-2-504 TO PERFORM VOTER REGISTRATION ACTIVITIES.

**SECTION 2.** 1-1-107 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**1-1-107. Powers and duties of secretary of state - penalty.** (1) In addition to any other duties prescribed by law, the secretary of state has the following duties:

(d) TO COORDINATE THE RESPONSIBILITIES OF THE STATE OF COLORADO UNDER THE FEDERAL "NATIONAL VOTER REGISTRATION ACT OF 1993", 42 U.S.C. SEC. 1973gg.

**SECTION 3.** 1-1-114, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-1-114. Registration deadline.** Any other provisions of this title to the contrary notwithstanding, electors shall be permitted to register up to ~~twenty-five~~ THIRTY days before any primary, presidential, general, municipal, congressional vacancy, special district, or other election.

**SECTION 4.** 1-2-101 (1) (b), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-2-101. Qualifications.** (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:

(b) The person has resided in this state and precinct, or for a nonpartisan election the person has resided within or is a taxpaying elector of the political subdivision,

~~twenty-five~~ THIRTY days immediately preceding the election at which the person intends to vote; but, in case of an annexation which changes county boundaries, any person otherwise qualified to register to vote under the provisions of this section who has resided within the territory annexed for the time prescribed shall be deemed to have met the residence requirements for the precinct to which the territory was annexed.

**SECTION 5.** 1-2-102 (1) (e) and (1) (f), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

**1-2-102. Rules for determining residence.** (1) The following rules shall be used to determine the residence of a person intending to register or to vote in any precinct in this state and shall be used by election judges in challenge procedures:

(e) If a person moves to any other state with the intention of making it a permanent residence, that person shall be considered to have lost Colorado residence after ~~twenty-five~~ THIRTY days' absence from this state unless the person has evidenced an intent to retain a residence in this state by a self-affirmation executed pursuant to section 1-8-115.

(f) If a person moves from one county or precinct in this state to another with the intention of making the new county or precinct a permanent residence, after ~~twenty-five~~ THIRTY days the person shall be considered to have lost residence in the county or precinct from which the person moved.

**SECTION 6.** 1-2-104 (1) (a), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-2-104. Additional qualifications.** (1) In addition to qualifications otherwise provided by law, at any election held by this state or any political subdivision, a person shall be qualified to vote if the authorizing legislation provides that an eligible elector is one who, at the designated time or event, is registered to vote pursuant to the "Uniform Election Code of 1992", articles 1 to 13 of this title, and:

(a) Who has been a resident of the political subdivision or the area to be included in the political subdivision for not less than ~~twenty-five~~ THIRTY days; or

**SECTION 7.** 1-2-201 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-2-201. Registration required.** (2) Each elector registering shall sign his or her name on the registration record or, if unable to write, shall make a personal mark. The elector shall answer the questions required by section 1-2-204 and shall ~~take the oath~~ COMPLETE THE SELF-AFFIRMATION required by section 1-2-205.

**SECTION 8.** 1-2-202 (1), (2), (3), and (7), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

**1-2-202. Registration by county clerk and recorder.** (1) The county clerk and recorder shall register any eligible elector residing in any precinct in the state of Colorado who appears in person at the primary office or at any office, mobile or

stationary, regularly maintained by the county clerk and recorder and staffed by regular employees at any time following any general election, up to and including the ~~twenty-fifth~~ THIRTIETH day before the primary election, or at any time after the primary election, up to and including the ~~twenty-fifth~~ THIRTIETH day before the general election. The registrations shall then be forwarded to the appropriate county clerk and recorder. The county clerk and recorder shall accept deferred registrations pursuant to subsection (6) of this section, except on the days of the primary, general, and congressional vacancy elections.

(2) Each municipal clerk shall serve as a deputy registrar. The municipal clerk shall register any eligible elector who appears in person at the municipal clerk's primary office at any time during which registration is permitted in the office of the county clerk and recorder, except the ~~twenty-four~~ TWENTY-NINE days preceding any municipal election. The municipal clerk shall deliver the new registration records to the office of the county clerk and recorder either in person or by certified mail on or before the fifteenth day of each month and in person on the day following the last day for registration preceding any election for which registration is required.

~~(3) Any eligible elector may register any members of the elector's family who reside at the same address as the elector by signing the names on the registration record and thereafter signing the elector's own name as voucher in the presence of the county clerk and recorder or a deputy county clerk and recorder. The elector shall answer the questions required by this part 2 concerning each person registered by the elector and shall take the following oath: "I, ....., do solemnly swear (or affirm) that I am an eligible elector in precinct ....., county of ....., that I am registered from ..... (address) and a resident of that address; that ..... (name of person or persons), whose names I have caused to be placed in the registration book as eligible electors from the same address in this precinct, reside at that address and are members of my family and will be eligible electors in this precinct on the date of the next election."~~

(7) The name of each elector who registered pursuant to subsection (6) of this section shall be included in books and lists prepared for all elections held at least ~~twenty-five~~ THIRTY days after the date of registration.

**SECTION 9.** 1-2-204 (1) (d), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-2-204. Questions answered by elector.** (1) The county clerk and recorder shall ask each eligible elector making application for registration, and the elector shall answer, the following:

(d) Whether the elector is aware that a violation of the ~~oath~~ SELF-AFFIRMATION the elector is about to ~~take~~ MAKE is a criminal act under the laws of this state and will subject the elector to the penalties provided by law.

**SECTION 10.** 1-2-205 (2), (3), and (4), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

**1-2-205. Self-affirmation made by elector.** (2) Each elector making application for registration shall ~~take~~ MAKE the following ~~oath~~ SELF-AFFIRMATION: "I, ....., do

solemnly ~~swear (or affirm)~~ AFFIRM that I am a citizen of the United States and that on the date of the next election I shall have attained the age of eighteen years and shall have resided in the state of Colorado at least ~~twenty-five~~ THIRTY days and in precinct no. .... at least ~~twenty-five~~ THIRTY days before the election. I further ~~swear (or affirm)~~ AFFIRM that the present address I listed herein is my sole legal place of residence and that I claim no other place as my legal residence."

~~(3) The county clerk and recorder is hereby authorized to administer the oath prescribed in subsection (2) of this section.~~

~~(4) The elector shall sign the registration record as evidence of the oath administered to AFFIRMATION MADE BY the elector. or on behalf of a family member whom the elector is registering.~~

**SECTION 11.** 1-2-207, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is repealed as follows:

**1-2-207. Affidavit registration.** ~~(1) When any eligible elector, because of serious illness, physical disability, or absence from the county, is unable to register under any other provisions of this part 2, the elector may register by filing with the county clerk and recorder a verified application, as prescribed by the county clerk and recorder, at any time following any general election, except the twenty-four days immediately preceding a general, primary, or congressional vacancy election. The elector shall declare under oath on the application that, because of serious illness, physical disability, or absence from the county, the elector is unable to register under any other provisions of this part 2. The elector shall answer the questions required by section 1-2-204 and subscribe to the oath required by section 1-2-205. The elector shall subscribe to the oath before an officer authorized by law to administer oaths. Upon receipt of the verified application, the county clerk and recorder shall forthwith register the elector in the registration book for the precinct in which the elector resides, in the same manner that electors appearing in person are registered, and shall write or stamp in the space for the elector's signature the words "registered by affidavit".~~

~~(2) Forms for the purpose of making the application shall be furnished by the county clerk and recorder upon the request of any elector. The county clerk and recorder shall keep a record of all forms furnished, including the name of the person to whom furnished. At least twenty-five days before any election, this person shall account under oath to the county clerk and recorder in detail the disposition of forms furnished.~~

**SECTION 12.** 1-2-208 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-2-208. Registration by federal postcard application.** (1) Any eligible elector of this state serving in the United States service who is unable to register under any other provisions of this part 2 may register by properly executing the federal postcard application as provided in the laws of the United States known as the "Federal Voting Assistance Act of 1955", as amended, and may vote in accordance with the federal "Uniformed and Overseas Citizens Absentee Voting Act", as amended. The application may be made at any time following any general election, up to and

including the ~~twenty-fifth~~ THIRTIETH day immediately preceding a general, primary, or congressional vacancy election. Upon receipt of a duly executed application from an eligible elector, the county clerk and recorder shall forthwith register the elector in the registration book for the precinct where the elector resides, in the same manner as electors appearing in person are registered, and shall write or stamp in the space for the elector's signature "registered by federal postcard application".

**SECTION 13.** 1-2-209 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-2-209. Registration of citizens who reside outside the United States - federal law.** (2) The application may be made at any time following any general election, up to and including the ~~twenty-fifth~~ THIRTIETH day immediately preceding a general, primary, or congressional vacancy election; except that the application shall be received by the county clerk and recorder prior to the close of business on the ~~twenty-fifth~~ THIRTIETH day. THE APPLICATION SHALL BE DEEMED RECEIVED BY THE COUNTY CLERK AND RECORDER AS OF THE DATE OF THE UNITED STATES POSTAL SERVICE POSTMARK. Upon receipt of the duly executed application, the county clerk and recorder shall forthwith register the elector and file the registration in a separate registration book for overseas electors.

**SECTION 14.** 1-2-211, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is repealed as follows:

**1-2-211. Establishment and conduct of branch registration sites.** ~~(1)(a) In any county, the board of county commissioners or the election commission shall establish at least one branch registration site. This action is not necessary if the chairpersons of the major political parties, as defined in section 1-1-104 (22), and the county clerk and recorder file a written statement seventy-five days prior to the primary election in each general election year with the board of county commissioners or the election commission stating that a branch registration site is not needed in the county.~~

~~(b) The branch registration sites shall be open each day on a publicly announced schedule beginning on the fiftieth day but not later than 7 p.m. of the twenty-fifth day preceding each primary election and beginning on the fiftieth day but not later than 7 p.m. of the twenty-fifth day preceding each general election. The branch registration sites may be open at any time within the fifty days preceding either the primary or general election, except for the following days: Sundays, legal holidays, general election day, primary election day, and congressional vacancy election day.~~

~~(c) The hours for the branch registration sites shall be set by the county clerk and recorder. At least one-third of the hours shall be during a time other than from 9 a.m. to 5 p.m. on weekdays.~~

~~(2) All branch registration sites established under the provisions of this section shall be considered branch registration sites of the county clerk and recorder, and the sites shall either possess telephone communication service with the county clerk and recorder or have lists of registered electors available. At all branch registration sites, eligible electors shall be registered in the same manner as if registration were made in the office of the county clerk and recorder. The location of branch registration~~

sites and the personnel of the sites shall be selected equally from lists submitted by the county chairpersons of the two major political parties twenty days prior to the earliest branch registration site openings. Personnel at the site shall be under the supervision of the county clerk and recorder.

~~(3) The county clerk and recorder shall provide a schedule of all branch registration sites to the local media at least one week prior to the earliest opening of the sites.~~

**SECTION 15.** 1-2-212 (2) (a) and (2) (b), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

**1-2-212. Mobile registration sites - definition - establishment and conduct.**

(2) (a) Mobile registration sites shall be established, at the discretion of the county clerk and recorder, at locations where, and during periods when, heavy registration is anticipated. Door-to-door registration shall not be considered a mobile ~~or branch~~ registration site.

(b) The sites may be open during times set by the county clerk and recorder; except that the sites shall not be open on the following days: General election day, primary election day, and congressional vacancy election day. The sites shall not remain open later than 7 p.m. of the ~~twenty-fifth~~ THIRTIETH day before each primary and general election.

**SECTION 16.** 1-2-213 (2), (4), and (6), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended, and the said 1-2-213 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**1-2-213. Registration at driver's license examination facilities.** (2) (a) An applicant who wishes to complete an application for registration shall read and answer the questions required by section 1-2-204 and shall ~~swear to an oath~~ MAKE A SELF-AFFIRMATION by signing the following statement: "I, ....., do solemnly ~~swear (or affirm)~~ AFFIRM that I am a citizen of the United States and that on the date of the next election I shall have attained the age of eighteen years and shall have resided in the state of Colorado at least ~~twenty-five~~ THIRTY days and in my precinct at least ~~twenty-five~~ THIRTY days before the election. I further ~~swear (or affirm)~~ AFFIRM that the present address I listed herein is my sole legal place of residence and that I claim no other place as my legal residence." Each application for registration shall bear the following statement: "Warning: It is a class 1 misdemeanor to ~~swear or~~ affirm falsely as to your qualifications to register to vote."

(b) THE APPLICATION FOR REGISTRATION SHALL NOT REQUIRE ANY INFORMATION THAT DUPLICATES INFORMATION REQUIRED IN THE DRIVER'S LICENSE PORTION OF THE FORM OTHER THAN A SECOND SIGNATURE OR OTHER INFORMATION NECESSARY TO ASSURE THAT THE APPLICANT MEETS THE ELIGIBILITY REQUIREMENTS FOR REGISTRATION. THE APPLICATION MAY REQUIRE ONLY THE MINIMUM AMOUNT OF INFORMATION NECESSARY TO PREVENT DUPLICATE VOTER REGISTRATIONS AND ENABLE THE COUNTY CLERK AND RECORDER TO ASSESS THE ELIGIBILITY OF THE APPLICANT AND TO ADMINISTER VOTER REGISTRATION AND OTHER PARTS OF THE ELECTION PROCESS.

(c) THE APPLICATION SHALL INCLUDE A STATEMENT THAT, IF AN APPLICANT DECLINES TO REGISTER TO VOTE, THE FACT THAT THE APPLICANT HAS DECLINED TO REGISTER WILL REMAIN CONFIDENTIAL AND WILL BE USED ONLY FOR VOTER REGISTRATION PURPOSES, AND A STATEMENT THAT, IF AN APPLICANT DOES REGISTER TO VOTE, THE OFFICE AT WHICH THE APPLICANT SUBMITS A VOTER REGISTRATION APPLICATION WILL REMAIN CONFIDENTIAL AND WILL BE USED ONLY FOR VOTER REGISTRATION PURPOSES.

(d) The authorized employee shall stamp the application for registration with a validation stamp ~~provide the applicant with a receipt verifying the registration application;~~ and ~~beginning July 1, 1994;~~ indicate on the driver's license that the bearer registered to vote, ~~at the driver's license examination facility~~ WHICH LICENSE SHALL BE THE ELECTOR'S RECEIPT. Applications and changes shall be forwarded on a weekly basis to the county clerk and recorder of the county in which the driver's license examination facility is located, and, if the applicant lives in a different county from the facility, the application shall then be forwarded to the county clerk and recorder of the county in which the applicant resides; except that, during the last week allowed for registration prior to any election, the applications shall be forwarded daily to the county clerk and recorder of the county in which the driver's license examination facility is located.

(4) ~~Any eligible elector may register any family members who reside at the same address as the elector by signing the names on the application form provided pursuant to this section and thereafter signing the elector's own name as voucher in the presence of an authorized employee at a driver's license examination facility. The elector shall answer the questions required by section 1-2-204 concerning each person registered by the elector and shall swear to an oath by signing the following declaration: "I, ....., do solemnly swear (or affirm) that I am an eligible elector in precinct ....., county of ....., that I am registered from ..... (address) and a resident of that address; that .....(name of person or persons), whose names I have caused to be placed in the registration book as eligible electors from the same address in this precinct, reside at this address and are members of my family and will be eligible electors in this precinct on the date of the next election."~~

(6) UNLESS THE REGISTRANT STATES ON THE FORM THAT THE CHANGE OF ADDRESS IS NOT FOR VOTER REGISTRATION PURPOSES, any eligible elector who continues to reside in the county where the elector is registered to vote and who informs a driver's license examination facility of a change of name or address shall have notice of the change of name or address forwarded by the driver's license examination facility to the county clerk and recorder of the county in which the driver's license facility is located. If the elector lives in a different county from the facility, the county clerk and recorder shall forward the change to the county clerk and recorder of the county in which the elector resides. The county clerk and recorder of the county in which the elector resides shall change the registration record of the elector to reflect the change of name and address.

(7) NO INFORMATION RELATING TO THE FAILURE OF AN APPLICANT FOR A DRIVER'S LICENSE TO SIGN A VOTER REGISTRATION APPLICATION MAY BE USED FOR ANY PURPOSE OTHER THAN VOTER REGISTRATION.

**SECTION 17.** 1-2-216 (1) and (4), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

**1-2-216. Change of residence.** (1) Any eligible elector who has moved from the precinct in which the elector is registered to some other precinct in the same county or has moved from one residence to another residence in the same precinct may have the elector's residence changed on the registration books by appearing before the county clerk and recorder and signing the registration book for the change. An eligible elector may also have his or her residence changed on the registration books by writing a letter or filing a form furnished by the county clerk and recorder. The letter or form for the change shall include the elector's new address within the county, OLD ADDRESS, printed name, birth date, social security number, if the elector wishes to state it, and signature and the date. ~~Inclusion of the elector's old address of record in the letter or on the form is optional. Any eligible elector may make the change of residence for any family member who resides at the same address as the elector.~~

(4) For the ~~twenty-four~~ TWENTY-NINE days before and on the day of any primary, general, or congressional vacancy election, any eligible elector, by appearing in person at the office of the county clerk and recorder, may complete a change of address form within the county in which the elector is registered, stating, under penalty of perjury, that the elector has moved prior to the ~~twenty-fifth~~ THIRTIETH day before the election and that ON THE DAY OF THE ELECTION the elector ~~has~~ WILL HAVE lived at the new address in the new precinct for at least ~~twenty-five~~ THIRTY days. Upon the receipt of the request, the county clerk and recorder shall verify the registration of the elector and, upon verification, IF THE ELECTOR DOES NOT CHOOSE TO VOTE AT THE TIME THE REQUEST IS VERIFIED, shall issue or authorize a certificate of registration, showing the information required in section 1-2-215 plus the change of address. The election judges shall allow the registered elector to vote in the precinct where the new address is located. The election judges shall use the certificate of registration as a substitute registration record, entering the date of the election and pollbook ballot number on the certificate and including it with the registration book when it is returned to the county clerk and recorder following the election. IF THE REQUEST IS RECEIVED BY THE COUNTY CLERK AND RECORDER ON OR AFTER THE TIME EARLY VOTING HAS BEGUN, THE ELECTOR MAY VOTE AT THE TIME THE CHANGE OF ADDRESS REQUEST IS RECEIVED. THE ELECTOR MAY ALSO VOTE BY ABSENTEE BALLOT IF THE BALLOTS HAVE BEEN PREPARED.

**SECTION 18.** Part 2 of article 2 of title 1, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

**1-2-216.5. Verification of change of address.** (1) IF A COUNTY CLERK AND RECORDER RECEIVES INFORMATION FROM THE UNITED STATES POSTAL SERVICE THAT AN ELECTOR HAS CHANGED ADDRESSES AND IS STILL WITHIN THE COUNTY, THE COUNTY CLERK AND RECORDER SHALL SEND THAT ELECTOR A NOTICE OF THE CHANGE BY FORWARDABLE MAIL AND A POSTAGE PREPAID, PRE-ADDRESSED RETURN FORM BY WHICH THE REGISTRANT MAY VERIFY OR CORRECT THE ADDRESS INFORMATION.

(2) IF A COUNTY CLERK AND RECORDER RECEIVES INFORMATION FROM THE UNITED STATES POSTAL SERVICE OR THE MOTOR VEHICLE DIVISION THAT AN ELECTOR HAS CHANGED ADDRESSES AND IS A RESIDENT OF ANOTHER COUNTY IN COLORADO, THE

COUNTY CLERK AND RECORDER SHALL SEND THE ELECTOR A NOTICE BY FORWARDABLE MAIL AND A POSTAGE PREPAID, PRE-ADDRESSED, MAIL REGISTRATION FORM TO THE APPROPRIATE COUNTY CLERK AND RECORDER BY WHICH THE REGISTRANT MAY REREGISTER TO VOTE.

**1-2-217.5. Change in residence before close of registration - lack of knowledge - emergency registration.** (1) NOTWITHSTANDING THE PROVISIONS OF SECTIONS 1-2-101 AND 1-2-102, AN ELECTOR MAY REGISTER TO VOTE IN AN ELECTION AFTER THE REGISTRATION BOOKS OF THE COUNTY CLERK AND RECORDER ARE CLOSED FOR THAT ELECTION, IF THE ELECTOR:

(a) APPEARS IN PERSON AT THE PRIMARY OFFICE OF THE COUNTY CLERK AND RECORDER OR AT ANY OFFICE REGULARLY MAINTAINED BY THE COUNTY CLERK AND RECORDER AND STAFFED BY REGULAR EMPLOYEES;

(b) PRESENTS A COLORADO DRIVER'S LICENSE OR PERSONAL IDENTIFICATION CARD ISSUED BY THE DEPARTMENT OF REVENUE PURSUANT TO PART 4 OF ARTICLE 2 OF TITLE 42, C.R.S., THAT CONTAINS A PHOTOGRAPH OF THAT PERSON; AND

(c) FILES AN EMERGENCY REGISTRATION AFFIDAVIT AS PRESCRIBED BY THE SECRETARY OF STATE.

(2) THE ELECTOR SHALL DECLARE UNDER OATH IN THE EMERGENCY REGISTRATION AFFIDAVIT THAT THE ELECTOR WISHES TO REGISTER TO VOTE IN THE ELECTION IN THE PRECINCT AND COUNTY FOR WHICH THE REGISTRATION BOOKS ARE CLOSED AND THAT EITHER:

(a) THE ELECTOR WAS REGISTERED TO VOTE IN A DIFFERENT COUNTY PRIOR TO THE CLOSE OF THE REGISTRATION BOOKS, HAD NO KNOWLEDGE THAT HE OR SHE WAS REQUIRED BY LAW TO REGISTER WITH THE COUNTY CLERK AND RECORDER WITHIN THE PRESCRIBED PERIOD UPON A CHANGE OF RESIDENCE TO A DIFFERENT COUNTY, AND HAS NOT AND WILL NOT CAST A VOTE IN THE ELECTION IN THE COUNTY OF PREVIOUS RESIDENCE; OR

(b) THE ELECTOR REGISTERED TO VOTE WITHIN THE PRESCRIBED PERIOD BY FEDERAL POSTCARD APPLICATION OR AT A VOTER REGISTRATION AGENCY DESIGNATED PURSUANT TO THE FEDERAL "NATIONAL VOTER REGISTRATION ACT OF 1993", 42 U.S.C. SEC. 1973gg, AS AMENDED, AND IS ABLE TO PROVIDE THE NAME AND LOCATION OF AND THE APPROXIMATE DATE OF REGISTRATION AT SUCH AGENCY.

(3) PRIOR TO REGISTERING AN ELECTOR WHO MAKES A DECLARATION PURSUANT TO PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION, THE COUNTY CLERK AND RECORDER SHALL VERIFY THE ELECTOR'S REGISTRATION IN THE COUNTY OF PREVIOUS RESIDENCE.

(4) THE ELECTOR SHALL SUBSCRIBE TO THE OATH BEFORE AN OFFICER AUTHORIZED BY LAW TO ADMINISTER OATHS. UPON COMPLETION OF THE AFFIDAVIT, THE NAME OF THE ELECTOR SHALL BE PLACED IN THE REGISTRATION BOOKS OR ADDED TO THE LIST OF ELIGIBLE ELECTORS FOR THE ELECTION FOR WHICH THE REGISTRATION BOOKS WERE CLOSED.

**SECTION 19.** 1-2-217 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-2-217. Change in residence after close of registration.** (1) Notwithstanding the provisions of subsection (2) of this section and sections 1-2-101 and 1-2-102, an elector who moves from the precinct where registered within ~~twenty-five~~ THIRTY days before any election shall be permitted to cast a ballot for the election at the polling place for the precinct where registered, by an absentee ballot, or by early voting.

**SECTION 20.** 1-2-224 (1) (a), (2) (a) (II), (5) (a), (5) (b) (II), (6), and (9), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

**1-2-224. Canceling registration.** (1) (a) At any time between ~~twenty-five~~ THIRTY days before the primary election and thirty days after the primary election, the county clerk and recorder shall communicate by mail with all registered electors, except those registered electors whose registration records have been marked "Inactive" as of May 15, 1987. The communication shall be in the form of an elector information card, including but not limited to the registered elector's name and address, precinct number, and polling place, shall be mailed first class, and shall contain on the address side of the card the statement "Do Not Forward. Address Correction Requested" or any other similar statement which is in accordance with United States postal service regulations.

(2) Any elector whose registration record has been marked "Inactive" pursuant to paragraph (b) of subsection (1) of this section or was marked "Inactive" on May 15, 1987, shall have the "Inactive" statement deleted from the registration record and shall be deemed "Active" if:

(a) The elector makes current the registration information:

(II) At any office of the county clerk and recorder, any ~~branch or~~ mobile registration station, ~~or~~ any driver's license examination facility, OR ANY VOTER REGISTRATION AGENCY; ~~no later than twenty-five days prior to or on the day of any primary, general, or congressional vacancy election;~~ or

(5) A registered elector whose registration record is marked "Inactive" pursuant to subsection (3) of this section shall have the "Inactive" statement deleted from the registration record and shall be deemed "Active" if:

(a) The elector votes in ANY OF the next TWO primary, general, or congressional vacancy ~~election which follows~~ ELECTIONS THAT FOLLOW the general election in which the elector failed to vote (referred to in this section as the "next" election); or

(b) The elector makes current the registration information:

(II) At any office of the county clerk and recorder, any ~~branch or~~ mobile registration station, ~~or~~ any driver's license examination facility, OR ANY VOTER REGISTRATION AGENCY; ~~no later than twenty-five days prior to or on the day of any primary, general, or congressional vacancy election;~~ or

(6) (a) At any time after January 1 and before January 10 after any general

election, any registered elector whose registration record is marked "Inactive" prior to ~~the~~ A general election and who failed to become "Active" pursuant to either subsection (2) or subsection (4) of this section, shall be mailed a continuance card by the county clerk and recorder pursuant to paragraph (b) of this subsection (6).

(b) A continuance card shall be mailed first class, shall contain on the address side of the card "Please forward." or any other similar statement which is in accordance with United States postal service regulations, and shall have a place for an address change, AND THE RETURN CARD SHALL BE POSTAGE PREPAID AND PRE-ADDRESSED TO THE SENDING COUNTY CLERK AND RECORDER. The CONTINUANCE card shall state that, if the registered elector wishes to be retained in the registration book of the county and if the elector is still a resident of the county, ~~either the elector or any family member who resides at the same address~~ shall complete and sign the continuance card and shall return it to the county clerk and recorder.

(c) (I) If a continuance card is completed, signed, and hand-delivered to the county clerk and recorder or returned postmarked within sixty days after the card is mailed by the county clerk and recorder, the county clerk and recorder shall change the mark on the elector's registration record from "Inactive" to "Active". The elector's registration record shall remain in the registration ~~book~~ FILE of the county and shall reflect any further changes requested by the elector.

(II) If a continuance card is not completed and hand-delivered to the county clerk and recorder or returned postmarked within sixty days after the card is mailed by the county clerk and recorder, AFTER THE SECOND GENERAL ELECTION IN WHICH THE ELECTOR HAS BEEN DESIGNATED "INACTIVE", the county clerk and recorder shall mark the registration record of the elector "Canceled (insert date)", and the record shall be removed from the registration ~~book~~ FILE of the county.

(III) If a continuance card is returned to the county clerk and recorder as undeliverable AND THE ELECTOR HAS BEEN DESIGNATED "INACTIVE" FOR TWO GENERAL ELECTIONS SINCE THE FIRST CONTINUANCE CARD WAS MAILED, the county clerk and recorder shall mark the registration record of the elector "Canceled (insert date)", and the record shall be removed from the registration ~~book~~ FILE of the county.

(9) If after ~~twenty-four~~ TWENTY-NINE days prior to an election, any registered elector finds that his or her registration record has been cancelled within the prior ~~four~~ SIX years pursuant to this section, the elector shall have the cancelled notation deleted and shall be reinstated and given a "Certificate of Reinstatement", if the elector provides proof to the county clerk and recorder that he or she has not moved since the last TWO general ~~election~~ ELECTIONS. The "Certificate of Reinstatement" may be issued any time DURING THE TWENTY-NINE DAYS before or on election day and the elector may then vote at their precinct polling place.

**SECTION 21.** Article 2 of title 1, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PART to read:

PART 5

MAIL REGISTRATION AND  
REGISTRATION AT VOTER REGISTRATION AGENCIES

**1-2-501. Form for mail and agency registration.** (1) THE SECRETARY OF STATE,

IN CONSULTATION WITH THE FEDERAL ELECTION COMMISSION, SHALL DEVELOP AN APPLICATION FORM THAT MAY BE USED FOR MAIL VOTER REGISTRATION, VOTER REGISTRATION AT VOTER REGISTRATION AGENCIES, AND VOTER CHANGE OF ADDRESS. THE FORM DEVELOPED SHALL:

(a) REQUIRE ONLY SUCH IDENTIFYING INFORMATION, INCLUDING THE SIGNATURE OF THE APPLICANT AND OTHER INFORMATION SUCH AS DATA RELATING TO PREVIOUS REGISTRATION BY THE APPLICANT, AS IS NECESSARY TO ENABLE THE APPROPRIATE COUNTY CLERK AND RECORDER TO ASSESS THE ELIGIBILITY OF THE APPLICANT AND TO ADMINISTER VOTER REGISTRATION AND OTHER PARTS OF THE ELECTION PROCESS;

(b) INCLUDE A STATEMENT THAT:

(I) SPECIFIES EACH ELIGIBILITY REQUIREMENT, INCLUDING CITIZENSHIP;

(II) CONTAINS AN AFFIRMATION THAT THE APPLICANT MEETS EACH REQUIREMENT;  
AND

(III) REQUIRES THE SIGNATURE OF THE APPLICANT, UNDER PENALTY OF PERJURY.

(c) NOT INCLUDE ANY REQUIREMENT FOR NOTARIZATION OR OTHER FORMAL AUTHENTICATION; AND

(d) INCLUDE, IN PRINT THAT IS IDENTICAL TO THAT USED IN THE AFFIRMATION PORTION OF THE APPLICATION:

(I) A STATEMENT OF THE PENALTIES PROVIDED BY LAW FOR SUBMISSION OF A FALSE VOTER REGISTRATION APPLICATION;

(II) A STATEMENT THAT, IF AN APPLICANT DECLINES TO REGISTER TO VOTE, THE FACT THAT THE APPLICANT HAS DECLINED TO REGISTER WILL REMAIN CONFIDENTIAL AND WILL BE USED ONLY FOR VOTER REGISTRATION PURPOSES; AND

(III) A STATEMENT THAT IF AN APPLICANT DOES REGISTER TO VOTE, THE OFFICE AT WHICH THE APPLICANT SUBMITS A VOTER REGISTRATION APPLICATION WILL REMAIN CONFIDENTIAL AND WILL BE USED ONLY FOR VOTER REGISTRATION PURPOSES.

**1-2-502. Form for agency registration.** (1) IN ADDITION TO THE INFORMATION REQUIRED IN SECTION 1-2-501, THE FORM USED AT A VOTER REGISTRATION AGENCY SHALL INCLUDE:

(a) THE QUESTION, "IF YOU ARE NOT REGISTERED TO VOTE WHERE YOU LIVE NOW, WOULD YOU LIKE TO APPLY TO REGISTER TO VOTE HERE TODAY?";

(b) IF THE AGENCY PROVIDES PUBLIC ASSISTANCE, THE STATEMENT, "APPLYING TO REGISTER OR DECLINING TO REGISTER TO VOTE WILL NOT AFFECT THE AMOUNT OF ASSISTANCE THAT YOU WILL BE PROVIDED BY THIS AGENCY.";

(c) BOXES FOR THE APPLICANT TO CHECK TO INDICATE WHETHER THE APPLICANT WOULD LIKE TO REGISTER OR DECLINE TO REGISTER TO VOTE, TOGETHER WITH THE STATEMENT, IN CLOSE PROXIMITY TO THE BOXES AND IN PROMINENT TYPE, "IF YOU

DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME."

(d) THE STATEMENT, "IF YOU WOULD LIKE HELP IN FILLING OUT THE VOTER REGISTRATION APPLICATION FORM, WE WILL HELP YOU. THE DECISION WHETHER TO SEEK OR ACCEPT HELP IS YOURS. YOU MAY FILL OUT THE APPLICATION FORM IN PRIVATE."; AND

(e) THE STATEMENT, "IF YOU BELIEVE THAT SOMEONE HAS INTERFERED WITH YOUR RIGHT TO REGISTER OR TO DECLINE TO REGISTER TO VOTE, YOUR RIGHT TO PRIVACY IN DECIDING WHETHER TO REGISTER OR IN APPLYING TO REGISTER TO VOTE, OR YOUR RIGHT TO CHOOSE YOUR OWN POLITICAL PARTY OR OTHER POLITICAL PREFERENCE, YOU MAY FILE A COMPLAINT WITH THE SECRETARY OF STATE." THE FORM SHALL ALSO INCLUDE THE ADDRESS AND TELEPHONE NUMBER OF THE SECRETARY OF STATE.

(2) ALL AGENCIES PROVIDING AN OPPORTUNITY TO COMPLETE THE VOTER REGISTRATION FORMS SHALL KEEP COPIES OF ALL RECORDS RELATING TO THE COMPLETION OF THE FORMS FOR TWO YEARS. THE FORMS SHALL NOT BE CONSIDERED PUBLIC RECORDS BUT SHALL BE AVAILABLE TO THE SECRETARY OF STATE FOR PURPOSES OF COMPILING DATA IN COMPLIANCE WITH THE FEDERAL "NATIONAL VOTER REGISTRATION ACT OF 1993", 42 U.S.C. SEC. 1973gg.

**1-2-503. Availability of forms.** THE APPLICATION FORMS FOR MAIL VOTER REGISTRATION SHALL BE AVAILABLE FOR DISTRIBUTION THROUGH GOVERNMENTAL AND PRIVATE ENTITIES, WITH PARTICULAR EMPHASIS ON MAKING THEM AVAILABLE FOR ORGANIZED VOTER REGISTRATION PROGRAMS.

**1-2-504. Voter registration agencies.** (1) THE FOLLOWING OFFICES ARE DESIGNATED AS VOTER REGISTRATION AGENCIES:

(a) ALL OFFICES THAT PROVIDE PUBLIC ASSISTANCE;

(b) ALL OFFICES THAT PROVIDE STATE-FUNDED PROGRAMS PRIMARILY ENGAGED IN PROVIDING SERVICES TO PERSONS WITH DISABILITIES;

(c) ALL RECRUITMENT OFFICES OF THE ARMED FORCES OF THE UNITED STATES; AND

(d) ANY OTHER FEDERAL, STATE, LOCAL GOVERNMENT, OR NONGOVERNMENT OFFICE THAT CHOOSES TO PROVIDE VOTER REGISTRATION SERVICE OR APPLICATIONS.

(2) THE FOLLOWING AGENCIES MAY PROVIDE APPLICATION FORMS FOR MAIL VOTER REGISTRATION:

(a) ALL OFFICES OF COUNTY CLERK AND RECORDERS;

(b) ALL FEDERAL POST OFFICES; AND

(c) ANY OTHER FEDERAL, STATE, LOCAL GOVERNMENT OR NONGOVERNMENT OFFICE THAT CHOOSES TO PROVIDE VOTER REGISTRATION SERVICE OR APPLICATIONS.

**1-2-505. Services at voter registration agencies - services to persons with disabilities.** (1) AT EACH VOTER REGISTRATION AGENCY, THE FOLLOWING SERVICES SHALL BE MADE AVAILABLE WITH EACH APPLICATION MADE IN PERSON FOR SERVICE OR ASSISTANCE AND WITH EACH RECERTIFICATION, RENEWAL, OR CHANGE OF ADDRESS FORM RELATING TO THE SERVICE OR ASSISTANCE:

(a) DISTRIBUTION OF MAIL VOTER REGISTRATION APPLICATION FORMS;

(b) ASSISTANCE TO APPLICANTS IN COMPLETING AGENCY VOTER REGISTRATION APPLICATION FORMS, UNLESS THE APPLICANT REFUSES SUCH ASSISTANCE; AND

(c) ACCEPTANCE OF COMPLETED AGENCY VOTER REGISTRATION APPLICATION FORMS FOR TRANSMITTAL TO THE APPROPRIATE COUNTY CLERK AND RECORDER.

(2) IF A VOTER REGISTRATION AGENCY PROVIDES SERVICES TO A PERSON WITH A DISABILITY AT THE PERSON'S HOME, THE AGENCY SHALL PROVIDE THE SERVICES DESCRIBED IN SUBSECTION (1) OF THIS SECTION AT THE PERSON'S HOME.

**1-2-506. Prohibitions.** (1) A PERSON WHO PROVIDES THE SERVICES DESCRIBED IN SECTION 1-2-505 SHALL NOT:

(a) SEEK TO INFLUENCE AN APPLICANT'S POLITICAL PREFERENCE OR PARTY REGISTRATION;

(b) DISPLAY ANY POLITICAL PREFERENCE OR PARTY ALLEGIANCE;

(c) MAKE ANY STATEMENT TO AN APPLICANT OR TAKE ANY ACTION, THE PURPOSE OR EFFECT OF WHICH IS TO DISCOURAGE THE APPLICANT FROM REGISTERING TO VOTE;

(d) MAKE ANY STATEMENT TO AN APPLICANT OR TAKE ANY ACTION, THE PURPOSE OR EFFECT OF WHICH IS TO LEAD THE APPLICANT TO BELIEVE THAT A DECISION TO REGISTER OR NOT TO REGISTER HAS ANY BEARING ON THE AVAILABILITY OF SERVICES OR BENEFITS.

(2) A PERSON WHO PROVIDES THE SERVICES DESCRIBED IN SECTION 1-2-505 SHALL ENSURE THAT THE IDENTITY OF THE VOTER REGISTRATION AGENCY THROUGH WHICH ANY PARTICULAR VOTER IS REGISTERED IS NOT DISCLOSED TO THE PUBLIC.

(3) NO INFORMATION RELATING TO A DECLINATION TO REGISTER TO VOTE MADE IN CONNECTION WITH AN APPLICATION COMPLETED AT A VOTER REGISTRATION AGENCY MAY BE USED FOR ANY PURPOSE OTHER THAN VOTER REGISTRATION.

**1-2-507. Transmittal of voter registration applications.** A COMPLETED AGENCY REGISTRATION APPLICATION ACCEPTED AT A VOTER REGISTRATION AGENCY SHALL BE TRANSMITTED TO THE COUNTY CLERK AND RECORDER FOR THE COUNTY IN WHICH THE AGENCY IS LOCATED NOT LATER THAN TEN DAYS AFTER THE DATE OF ACCEPTANCE; EXCEPT THAT, IF A REGISTRATION APPLICATION IS ACCEPTED WITHIN FIVE DAYS BEFORE THE LAST DAY FOR REGISTRATION TO VOTE IN AN ELECTION, THE APPLICATION SHALL BE TRANSMITTED TO THE COUNTY CLERK AND RECORDER FOR THE COUNTY IN WHICH THE AGENCY IS LOCATED NOT LATER THAN FIVE DAYS AFTER THE DATE OF ACCEPTANCE.

**1-2-508. Effective date of voter registration.** (1) THE COUNTY CLERK AND RECORDER SHALL ENSURE THAT ANY ELIGIBLE APPLICANT IS REGISTERED TO VOTE IN AN ELECTION IF:

(a) IN THE CASE OF REGISTRATION WITH A DRIVER'S LICENSE APPLICATION, THE VALID VOTER REGISTRATION APPLICATION OF THE APPLICANT IS ACCEPTED BY THE MOTOR VEHICLE DIVISION AT LEAST TWENTY-FIVE DAYS BEFORE THE DATE OF AN ELECTION;

(b) IN THE CASE OF REGISTRATION BY MAIL, THE VALID VOTER REGISTRATION APPLICATION OF THE APPLICANT IS POSTMARKED NOT LATER THAN TWENTY-FIVE DAYS BEFORE THE DATE OF THE ELECTION;

(c) IN THE CASE OF REGISTRATION BY MAIL AND THE APPLICATION HAS NO POSTMARK, THE APPLICATION OF THE APPLICANT IS RECEIVED WITHIN FIVE DAYS OF THE CLOSE OF REGISTRATION;

(d) IN THE CASE OF REGISTRATION AT A VOTER REGISTRATION AGENCY, THE VALID AGENCY VOTER REGISTRATION APPLICATION OF THE APPLICANT IS ACCEPTED AT THE VOTER REGISTRATION AGENCY NOT LATER THAN TWENTY-FIVE DAYS BEFORE THE DATE OF THE ELECTION; AND

(e) IN ANY OTHER CASE, THE VALID VOTER REGISTRATION APPLICATION OF THE APPLICANT IS RECEIVED BY THE APPROPRIATE COUNTY CLERK AND RECORDER NOT LATER THAN TWENTY-FIVE DAYS BEFORE THE DATE OF THE ELECTION.

**1-2-509. Reviewing voter registration applications.** (1) UPON RECEIPT OF AN APPLICATION, IF THE APPLICANT RESIDES IN A COUNTY OTHER THAN THE COUNTY RECEIVING THE APPLICATION, THE COUNTY CLERK AND RECORDER SHALL WITHIN FIVE DAYS TRANSMIT THE APPLICATION TO THE CLERK AND RECORDER OF THE APPLICANT'S COUNTY; EXCEPT THAT, IF THE APPLICATION IS RECEIVED THIRTY DAYS OR LESS BEFORE AN ELECTION, THE APPLICATION SHALL BE TRANSMITTED AS EXPEDITIOUSLY AS POSSIBLE.

(2) UPON RECEIPT OF AN APPLICATION, THE COUNTY CLERK AND RECORDER SHALL VERIFY THAT THE APPLICATION IS COMPLETE AND ACCURATE. IF THE APPLICATION IS COMPLETE AND ACCURATE, THE APPLICANT SHALL BE DEEMED REGISTERED AS OF THE DATE OF THE APPLICATION, AND THE COUNTY CLERK AND RECORDER SHALL NOTIFY THE APPLICANT OF THE REGISTRATION. IF THE APPLICATION IS NOT COMPLETE OR IS INACCURATE, THE COUNTY CLERK AND RECORDER SHALL NOTIFY THE APPLICANT, STATING THE ADDITIONAL INFORMATION REQUIRED. THE APPLICANT SHALL BE DEEMED REGISTERED AS OF THE DATE OF THE APPLICATION IF THE ADDITIONAL INFORMATION IS PROVIDED AT ANY TIME PRIOR TO THE ACTUAL VOTING.

(3) THE COUNTY CLERK AND RECORDER SHALL NOTIFY EACH APPLICANT OF THE DISPOSITION OF THE APPLICATION BY NONFORWARDABLE MAIL. IF THE NOTIFICATION IS RETURNED TO THE COUNTY CLERK AND RECORDER AS UNDELIVERABLE, THE APPLICANT SHALL NOT BE REGISTERED, OR IF REGISTERED THE REGISTRATION SHALL BE STRICKEN.

**1-2-510. Public disclosure of voter registration activities.** (1) THE SECRETARY

OF STATE SHALL MAINTAIN FOR AT LEAST TWO YEARS AND SHALL MAKE AVAILABLE FOR PUBLIC INSPECTION AND COPYING AT A REASONABLE COST, ALL RECORDS CONCERNING THE IMPLEMENTATION OF PROGRAMS AND ACTIVITIES CONDUCTED FOR THE PURPOSE OF ENSURING THE ACCURACY AND CURRENCY OF OFFICIAL LISTS OF ELIGIBLE VOTERS, EXCEPT TO THE EXTENT THAT THE RECORDS RELATE TO A DECLINATION TO REGISTER TO VOTE OR TO THE IDENTITY OF A VOTER REGISTRATION AGENCY THROUGH WHICH ANY PARTICULAR VOTER IS REGISTERED.

(2) THE RECORDS MAINTAINED PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL INCLUDE LISTS OF THE NAMES AND ADDRESSES OF ALL PERSONS TO WHOM CONTINUATION NOTICES ARE SENT AND INFORMATION CONCERNING WHETHER OR NOT EACH PERSON HAS RESPONDED TO THE NOTICE AS OF THE DATE THAT INSPECTION OF THE RECORDS IS MADE.

(3) THE SECRETARY OF STATE SHALL ALSO BE RESPONSIBLE FOR FILING ANY REPORTS OR INFORMATION CONCERNING THE IMPLEMENTATION OF THE FEDERAL "NATIONAL VOTER REGISTRATION ACT OF 1993", 42 U.S.C. SEC. 1973gg, WITH THE FEDERAL ELECTION COMMISSION AS MAY BE REQUIRED.

**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.

**SECTION 22.** 1-3-101, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-3-101. Party affiliation required - residence.** (1) No registered elector shall vote at any precinct caucus, assembly, or convention of a political party unless the registered elector has been a resident of the precinct for ~~twenty-five~~ THIRTY days and affiliated with the political party holding the caucus, assembly, or convention for at least two months as shown on the registration books of the county clerk and recorder; except that any registered elector who has attained the age of eighteen years or who has become a naturalized citizen within the two months 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 two months.

(2) Notwithstanding subsection (1) of this section and section 1-2-101 (1) (b), an

elector who moves from the precinct where registered within ~~twenty-five~~ THIRTY days prior to any caucus shall be permitted to participate and vote at the caucus in the precinct of the elector's former residence but shall not be eligible for election as a delegate or for nomination as a precinct committeeperson in the former precinct.

**SECTION 23.** 1-3-102 (2) (a), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-3-102. Precinct caucuses.** (2) (a) At the time of electing the delegates to the county assembly, the precinct caucus shall also elect two precinct committeepersons. Any person eighteen years of age or older may be a candidate for the office of precinct committeeperson if he or she has been a resident of the precinct for ~~twenty-five~~ THIRTY days and has been affiliated with the political party holding the precinct caucus for a period of at least two months preceding the date of the precinct caucus; except that any person who has attained the age of eighteen years or who has become a naturalized citizen within the two months immediately preceding the precinct caucus may be a candidate for the office of precinct committeeperson even though he or she has been affiliated with the political party for less than two months as shown on the registration book of the county clerk and recorder. The two people receiving the highest number of votes at the caucus for precinct committeeperson shall be elected as the precinct committeepersons of the precinct. If two or more candidates for precinct committeeperson receive an equal and the second highest number of votes, or if three or more candidates receive an equal and the highest number of votes, the election shall be determined by lot by those candidates. The names of the committeepersons elected shall be certified to the county assembly of the political party by the officers of the caucus. All disputes regarding the election of precinct committeepersons shall be determined by the credentials committees of the respective party assemblies. The county assembly shall ratify the list of committeepersons. The presiding officer and secretary of the county assembly shall file a certified list of the names and addresses, by precinct, of those persons elected as precinct committeepersons with the county clerk and recorder within ten days after the date of the county assembly.

**SECTION 24.** 1-4-602 (5), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-4-602. Delegates to party assemblies.** (5) As used in this section, "delegate" means a person who is a registered elector, has been a resident of the precinct for ~~twenty-five~~ THIRTY days prior to the caucus, and has been affiliated with the political party holding the caucus for at least two months, as shown on the registration books of the county clerk and recorder; except that any registered elector who has attained the age of eighteen years within the two months immediately preceding the caucus or any registered elector who has become a naturalized citizen within the two months immediately preceding the caucus may be a delegate even though the elector has been affiliated with the political party for less than two months as shown on the registration books of the county clerk and recorder. A delegate who moves from the precinct of residence shall become ineligible to serve as a delegate from that precinct.

**SECTION 25.** 1-4-1102, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-4-1102. Time of filing affidavit.** The affidavit of intent shall be filed more than eight days before the election, in the case of a primary, general, or congressional vacancy election, and more than ~~twenty-five~~ THIRTY days before the election, in the case of any nonpartisan election. Proof of qualifications shall be as shown on the voter registration books of the county clerk and recorder, and, if applicable, on the property owner's list of the county assessor.

**SECTION 26.** 1-5-103 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-5-103. Changes in boundaries - partisan elections.** (1) Changes in the boundaries of precincts or the creation of new precincts for partisan elections shall be completed not less than ~~twenty-five~~ THIRTY days prior to the precinct caucus day, except in cases of precinct changes resulting from changes in county boundaries.

**SECTION 27.** 1-5-206 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-5-206. Postcard notice and notice by publication.** (1) At any time between ~~twenty-five~~ THIRTY days before the primary election and thirty days after the primary election, except for the presidential primary, mail ballot, court-ordered elections, and elections which, pursuant to section 20 of article X of the Colorado constitution, require the mailing of a notice of election, the county clerk and recorder shall mail a voter information card to all eligible electors. The card shall contain the eligible elector's name and address, precinct number, polling location, and any other applicable information. It shall be mailed first-class and shall state on the address surface "Do not forward. Address correction requested." or similar wording in accordance with United States postal service regulations.

**SECTION 28.** 1-5-208, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-5-208. Election may be canceled - when.** If the only matter before the electors is the election of persons to office and if, at the close of business on the ~~twenty-fifth~~ THIRTIETH day before the election, there are not more candidates than offices to be filled at the election, including candidates filing affidavits of intent, the designated election official, if instructed by resolution of the governing body either before or after such day, shall cancel the election and by resolution declare the candidates elected. Notice of the cancellation shall be published and posted at each polling place and in the office of the designated election official in order to inform the eligible electors of the political subdivision.

**SECTION 29.** 1-7-103 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-7-103. No voting unless eligible.** (2) A person otherwise eligible to vote whose name has been erroneously omitted from the registration list or property owner's list shall be permitted to vote upon taking the following oath: "You do solemnly swear or affirm that you are a citizen of the United States of the age of eighteen years or older; that you have been a resident of this state for ~~twenty-five~~ THIRTY days immediately preceding this election and have not maintained a home or

domicile elsewhere; that you have been for the last ~~twenty-five~~ THIRTY days and are now a resident of this precinct or absent from it ~~twenty-five~~ THIRTY days or less as provided in section 1-2-101; that you are a registered elector in this precinct; that you are eligible to vote at this election; and that you have not previously voted at this election."; and

**SECTION 30.** 1-8-104, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-8-104. Change of registration record.** A change of name, residence, or party affiliation request may be submitted to the county clerk and recorder at the same time the eligible elector requests an application for an absentee ballot if the elector has moved within the county and states that the move occurred more than ~~twenty-five~~ THIRTY days before the election and that the elector has lived at the new residence for at least ~~twenty-five~~ THIRTY days. The request shall include the elector's old and new addresses within the county, the elector's printed name and signature, and the date of the request. Upon receipt of the request, the county clerk and recorder shall verify the registration of the elector, amend the registration record, and mail to the elector an official absentee ballot as provided in this article.

**SECTION 31.** 1-8-116, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-8-116. Casting early voters' ballot.** The early voters' polling place shall be open during regular business hours for purposes of voting ~~twenty-four~~ TWENTY-NINE days before the election unless the board of county commissioners by resolution increases the time that the early voters' polling place may be open. The offices of the designated election official are to be open until the close of business on the Friday immediately preceding the election. Registered electors who appear in person at the early voters' polling place during this time may cast their ballots in the same manner as any ballot would be cast in a precinct polling place on election day. The voting machines, electronic voting machines, or ballot boxes used for the casting of early ballots shall remain locked and secured with a numbered seal, and the tabulation of the votes cast shall remain unknown until the time prescribed in section 1-8-117 for counting absentee and early voters' ballots. Alternatively, for any electronic voting equipment, the ballot boxes shall be opened each night, and the voted ballots shall be placed in a transfer case that is locked and secured with a numbered seal. A record shall be maintained consisting of the date, number of ballots, and seal number of each ballot box and transfer case until each ballot box and transfer case is transferred to the supply judge for the absent voters' polling place for preparation for counting and tabulating pursuant to section 1-8-121. When a seal is broken, the designated election official and a person who shall not be of the same political party as the designated election official shall record the number of the seal, and maintain the seal along with an explanation of the reasons for breaking the seal. During the time the early voters' polling place is not open, the designated election official shall have the custody and keys of any voting machine or electronic voting equipment being used for the casting of early ballots. The voting machines or electronic voting machines used for the casting of early ballots shall not be used for the further counting of absentee ballots, as provided in sections 1-8-123 and 1-8-124.

**SECTION 32.** The introductory portion to 1-9-203 (3) and 1-9-203 (3) (a) and

(3) (b), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

**1-9-203. Challenge questions asked person intending to vote.** (3) If the person is challenged as not eligible because the person has not resided in this state and precinct for ~~twenty-five~~ THIRTY days immediately preceding the election, an election judge shall ask the following questions:

(a) Have you resided in this state and precinct for the ~~twenty-five~~ THIRTY days immediately preceding this election?

(b) Have you been absent from this state within the ~~twenty-five~~ THIRTY days immediately preceding this election, and during that time have you maintained a home or domicile elsewhere?

**SECTION 33.** 1-9-204 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-9-204. Oath of challenged elector.** (1) If the challenge is not withdrawn after the person intending to vote has answered the questions, an election judge shall tender the following oath: "You do solemnly swear or affirm that you are a citizen of the United States of the age of eighteen years or older; that you have been a resident of this state for ~~twenty-five~~ THIRTY days next preceding this election and have not maintained a home or domicile elsewhere; that you have been for the last ~~twenty-five~~ THIRTY days and now are a resident of this precinct, or absent therefrom ~~twenty-five~~ THIRTY days or less, as provided in section 1-2-101; that you are a registered elector in this precinct; that you are eligible to vote at this election; and that you have not previously voted at this election."

**SECTION 34.** 1-13-208, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-13-208. Deputy county clerk and recorder - influencing party affiliation.** Any deputy county clerk and recorder for voter registration purposes, or employee of the department of revenue who is authorized to conduct voter registration at local driver's license examination facilities, or ~~person authorized to conduct voter registration at branch registration sites~~ EMPLOYEE OF A VOTER REGISTRATION AGENCY WHO IS AUTHORIZED TO CONDUCT VOTER REGISTRATION who influences or attempts to influence any person during the registration process to affiliate with a political party or to affiliate with a specific political party is guilty of a misdemeanor and, upon conviction, shall be punished as provided in section 1-13-111.

**SECTION 35.** 31-2-102 (3), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**31-2-102. Incorporation election.** (3) Registration and changes of address may be made with the county clerk and recorder up to and including the ~~twenty-fifth~~ THIRTIETH day prior to the election. The county clerk and recorder, in his OR HER discretion, may conduct registration from time to time up to and including such ~~twenty-fifth~~ THIRTIETH day prior to the election within the proposed municipal boundaries.

**SECTION 36.** 31-2-104 (3), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**31-2-104. Organization of new city or town.** (3) Registration and changes of address may be made in the office of the county clerk and recorder up to and including the ~~twenty-fifth~~ THIRTIETH day prior to election day. The county clerk and recorder has authority in his OR HER sole discretion, from time to time up to and including the ~~twenty-fifth~~ THIRTIETH day prior to the election of officers as provided in this section, to conduct registration within the proposed corporate limits. Each nomination petition shall be filed with the clerk of the district court. Nominating petitions shall be made and filed and vacancies in nomination shall be filled in accordance with the "Colorado Municipal Election Code of 1965".

**SECTION 37.** 31-2-220 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**31-2-220. Warning on petition - signatures - affidavits - circulators.** (1) At the top of each page of a petition to initiate the adoption, amendment, or repeal of a municipal home rule charter, including the formation of a new charter commission, shall be printed, in plain red letters no smaller than the impression of ten-point, bold-faced type, the following:

"WARNING:  
IT IS AGAINST THE LAW:

For anyone to sign any petition with any name other than his or her own or to knowingly sign his or her name more than once for the same measure or to sign such petition when not a registered elector.

DO NOT SIGN THIS PETITION UNLESS YOU ARE A  
REGISTERED ELECTOR:

TO BE A REGISTERED ELECTOR, YOU MUST BE:

1. At least eighteen years of age.
2. A citizen of the United States.
3. A resident of the state of Colorado and have resided in the state at least ~~twenty-five~~ THIRTY days.
4. A resident of the municipal election precinct in which you live for at least ~~twenty-five~~ THIRTY days.
5. Registered to vote pursuant to part 2 of article 2 of title 1, Colorado Revised Statutes.

Do not sign this petition unless you have read or had read to you the text of the proposal in its entirety and understand its meaning."

**SECTION 38.** 31-10-201 (1) (b), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**31-10-201. Qualifications of municipal electors.** (1) Every person who has attained the age of eighteen years possessing the following qualifications is entitled to register to vote at all municipal elections:

(b) ~~He~~ THE PERSON has resided in this state for ~~twenty-five~~ THIRTY days and in the municipal election precinct for ~~twenty-five~~ THIRTY days immediately preceding the election at which ~~he~~ THE PERSON offers to vote. An otherwise qualified and registered elector who moves from the municipal election precinct where registered to another precinct within the same municipality within ~~twenty-five~~ THIRTY days prior to any regular or special election shall be permitted to cast ~~his~~ A ballot for such election at the polling place in the precinct where registered.

**SECTION 39.** 31-10-204, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**31-10-204. Municipal clerk as deputy county clerk and recorder.** Each clerk shall serve as a deputy county clerk and recorder for purposes of registration only in the county in which ~~his~~ THE CLERK'S municipality is located. The clerk shall register any qualified elector residing in any precinct in such county who appears in person at ~~his~~ THE CLERK'S office at any time during which registration is permitted in the office of the county clerk and recorder except the ~~twenty-four~~ TWENTY-NINE days preceding any municipal election. The clerk shall deliver the new registration records to the office of the county clerk and recorder either in person or by certified mail on or before the fifteenth day of each month and in person on the day following the last day for registration preceding any election for which registration is required.

**SECTION 40.** 31-10-205, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**31-10-205. Registration lists.** The county clerk and recorder of each county, no later than the fifth day preceding any municipal election in his OR HER county or upon receipt of the notice made pursuant to section 31-4-503 (3) (b), shall prepare a complete copy of the list of the registered electors of each municipal election precinct which is located within his OR HER county and is involved in such municipal election; but, in any municipal election precinct consisting of one or more whole general election precincts, the county registration books for such precinct may be used in lieu of a separate registration list. The registration list for each municipal election precinct shall contain, in alphabetical order, the names and addresses of all registered electors residing within the municipal election precinct whose names appeared on the county registration records at the close of business on the ~~twenty-fifth~~ THIRTIETH day preceding the municipal election or, when notice is received pursuant to section 31-4-503 (3) (b), at the close of business on the date preceding receipt of such notice. The county clerk and recorder shall certify and deliver such registration lists or registration books to the respective clerks on or before the fifth day preceding the

election.

**SECTION 41.** 31-10-208, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**31-10-208. Change of address.** For the ~~twenty-four~~ TWENTY-NINE days before and on the day of any municipal election, any registered elector, by appearing in person at the office of the county clerk and recorder, may complete a sworn affidavit for change of address within the county in which the elector is registered, stating that the elector has moved prior to the ~~twenty-fifth~~ THIRTIETH day before the election and that the elector has lived at the new address in the new precinct within the municipality for at least ~~twenty-five~~ THIRTY days. Upon the receipt of the request, the county clerk and recorder shall verify the registration of the elector and shall, upon verification, issue or authorize a certificate of registration, showing the information required in section 1-2-215, C.R.S., plus the change of address. The judges shall allow the registered elector to vote in the precinct where the new address is located. The judges of election shall use the certificate of registration as a substitute registration page, entering the date of the election and pollbook ballot number on the certificate and including it with the registration book when it is returned to the clerk following the election.

**SECTION 42.** The introductory portion to 31-10-1104 (4) and 31-10-1104 (4) (a), (4) (b), and (5), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

**31-10-1104. Challenge questions asked voter.** (4) If the person is challenged as unqualified on the ground that he OR SHE has not resided in this state for ~~twenty-five~~ THIRTY days immediately preceding the election, the judges, or one of them, shall put the following questions:

(a) "Have you resided in this state for ~~twenty-five~~ THIRTY days immediately preceding this election?"

(b) Have you been absent from this state within the ~~twenty-five~~ THIRTY days immediately preceding this election, and during that time have you maintained a home or domicile elsewhere?

(5) If the person is challenged on the ground that he OR SHE has not resided in the precinct for ~~twenty-five~~ THIRTY days, one of the judges shall question ~~him~~ THE PERSON as to his OR HER residence in the precinct in a manner similar to the method of questioning a person as to his OR HER residence in this state.

**SECTION 43.** 31-10-1105 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**31-10-1105. Oath of challenged voter.** (1) If the challenge is not withdrawn after the person offering to vote has answered the questions put to him OR HER, one of the judges shall tender ~~him~~ the following oath:

"You do solemnly swear or affirm that you are a citizen of the United States of the

age of eighteen years or over; that you have been a resident of this state for ~~twenty-five~~ THIRTY days next preceding this election and have not retained a home or domicile elsewhere; that you have been for the last ~~twenty-five~~ THIRTY days, and now are, a resident of this precinct or have removed therefrom not more than ~~twenty-five~~ THIRTY days as provided in section 31-10-201; that you are a registered elector of this precinct; and that you have not voted at this election."

**SECTION 44.** 31-25-602 (2) (a), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**31-25-602. Definitions.** As used in this part 6, unless the context otherwise requires:

(2) "Elector of a district" means a person who, at the designated time or event, is qualified to register to vote in general elections in this state and:

(a) Has been a resident of the district or of the area to be included in the district for not less than ~~twenty-five~~ THIRTY days; or

**SECTION 45.** 32-1-103 (5) (a) (I), Colorado Revised Statutes, as amended, is amended to read:

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

(5) (a) "Eligible elector" means a person who, at the designated time or event, is registered to vote pursuant to the "Uniform Election Code of 1992", articles 1 to 13 of title 1, C.R.S., and:

(I) Who has been a resident of the special district or the area to be included in the special district for not less than ~~twenty-five~~ THIRTY days; or

**SECTION 46.** 32-10-103 (5) (a) (I), Colorado Revised Statutes, as amended, is amended to read:

**32-10-103. Definitions.** As used in this article, unless the context otherwise requires:

(5) (a) An "eligible elector" of a district means a person who, at the designated time or event, is registered to vote pursuant to the "Uniform Election Code of 1992", articles 1 to 13 of title 1, C.R.S., and:

(I) Who has been a resident of the district or the area to be included in the district for not less than ~~twenty-five~~ THIRTY days; or

**SECTION 47. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the department of state cash fund not otherwise appropriated, to the department of state, for the fiscal year beginning July 1, 1994, the sum of two hundred seventy-eight thousand three hundred sixty-three dollars (\$278,363) and 2.0 FTE, or so much thereof as may be necessary, for the

implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of human services, for the fiscal year beginning July 1, 1994, the sum of eighty-eight thousand eight hundred seven dollars (\$88,807) and 4.0 FTE, or so much thereof as may be necessary, for the implementation of this act. Of this sum, twenty-six thousand six hundred forty-two dollars (\$26,642) shall be from the general fund, seventeen thousand seven hundred sixty-one dollars (\$17,761) shall be from cash funds, and forty-four thousand four hundred four dollars (\$44,404) shall be from federal funds. This general fund appropriation amount is exempt from the statutory limit on state general fund appropriations pursuant to section 24-75-201.1 (1) (a) (III) (A), Colorado Revised Statutes.

**SECTION 48. Effective date.** This act shall take effect January 1, 1995.

**SECTION 49. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 31, 1994