

CHAPTER 96

ELECTIONS

HOUSE BILL 99-1082

BY REPRESENTATIVES Takis, Coleman, Ragsdale, Tate, Tochtrop, and Vigil;
also SENATOR Martinez.

AN ACT

CONCERNING THE REQUIREMENT THAT OFFICIAL COMMUNICATION BY MAIL WITH ANY REGISTERED ELECTOR BE SENT TO THE ELECTOR'S ADDRESS OF RECORD UNLESS THE ELECTOR HAS AFFIRMATIVELY REQUESTED THAT SUCH COMMUNICATION BE SENT TO HIS OR HER DELIVERABLE MAILING ADDRESS.

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

SECTION 1. 1-1-104 (1), Colorado Revised Statutes, is 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:

(1) ~~"Assembly" means a meeting of delegates of a political party, organized in accordance with the rules and regulations of the political party, held for the purpose of designating candidates for nominations at a primary election.~~ "ADDRESS OF RECORD" MEANS THE ELECTOR'S PLACE OF RESIDENCE AS SPECIFIED IN ACCORDANCE WITH SECTION 1-2-204 (2) (f).

(1.3) "ASSEMBLY" MEANS A MEETING OF DELEGATES OF A POLITICAL PARTY, ORGANIZED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE POLITICAL PARTY, HELD FOR THE PURPOSE OF DESIGNATING CANDIDATES FOR NOMINATIONS AT A PRIMARY ELECTION.

(7.5) "DELIVERABLE MAILING ADDRESS" MEANS THE ELECTOR'S MAILING ADDRESS, IF DIFFERENT FROM THE ELECTOR'S ADDRESS OF RECORD AS SPECIFIED IN ACCORDANCE WITH SECTION 1-2-204 (2) (f).

SECTION 2. 1-1-110, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

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

1-1-110. Powers of the county clerk and recorder and deputy. (4) (a) FOR ANY ELECTOR REGISTERED AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (4), ANY COMMUNICATION BY MAIL FROM THE COUNTY CLERK AND RECORDER TO ANY REGISTERED ELECTOR PURSUANT TO THIS TITLE, INCLUDING, BUT NOT LIMITED TO, A VOTER INFORMATION CARD PROVIDED PURSUANT TO SECTION 1-5-206 OR AN ELECTOR INFORMATION CARD PROVIDED PURSUANT TO SECTION 1-2-605, SHALL BE SENT TO THE ELECTOR'S ADDRESS OF RECORD UNLESS THE ELECTOR HAS REQUESTED THAT SAID COMMUNICATION BE SENT TO HIS OR HER DELIVERABLE MAILING ADDRESS PURSUANT TO SECTION 1-2-204 (2) (k).

(b) FOR ANY ELECTOR REGISTERED AS OF THE EFFECTIVE DATE OF THIS SUBSECTION (4), WHO HAS PROVIDED THE COUNTY CLERK AND RECORDER BOTH AN ADDRESS OF RECORD AND A DELIVERABLE MAILING ADDRESS BUT HAS NOT INDICATED A MAILING PREFERENCE, ANY COMMUNICATION BY MAIL FROM THE COUNTY CLERK AND RECORDER TO ANY REGISTERED ELECTOR PURSUANT TO THIS TITLE, INCLUDING, BUT NOT LIMITED TO, A VOTER INFORMATION CARD PROVIDED PURSUANT TO SECTION 1-5-206 OR AN ELECTOR INFORMATION CARD PROVIDED PURSUANT TO SECTION 1-2-605, SHALL BE SENT TO THE ELECTOR'S DELIVERABLE MAILING ADDRESS.

SECTION 3. 1-2-204 (2) (f), Colorado Revised Statutes, is amended, and the said 1-2-204 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

1-2-204. Questions answered by elector. (2) In addition, each eligible elector shall be asked, and the elector shall correctly answer, the following:

(f) The elector's DELIVERABLE mailing address if different from the elector's ~~residential~~ address OF RECORD;

(k) WHETHER ANY COMMUNICATION BY MAIL FROM THE COUNTY CLERK AND RECORDER TO SUCH ELIGIBLE ELECTOR, INCLUDING, BUT NOT LIMITED TO, A VOTER INFORMATION CARD PROVIDED PURSUANT TO SECTION 1-5-206 OR AN ELECTOR INFORMATION CARD PROVIDED PURSUANT TO SECTION 1-2-605, SHOULD BE SENT TO THE ELECTOR'S DELIVERABLE MAILING ADDRESS.

SECTION 4. 1-2-605 (1) (a), (5), (6) (b), and (7), Colorado Revised Statutes, are amended to read:

1-2-605. Canceling registration. (1) (a) Any county clerk and recorder communication by mail with all active registered electors 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, and shall be mailed by forwardable mail TO THE ELECTOR'S ADDRESS OF RECORD UNLESS THE ELECTOR HAS REQUESTED THAT SAID CARD BE SENT TO HIS OR HER DELIVERABLE MAILING ADDRESS PURSUANT TO SECTION 1-2-204 (2) (k).

(5) If a mail ballot that was mailed PURSUANT TO THE REQUIREMENTS OF THIS ARTICLE to ~~the voting address of~~ an elector who has been deemed "Active" is returned to the county clerk and recorder by the United States postal service as undeliverable, the county clerk and recorder shall send ~~the elector~~ TO THE ELECTOR'S ADDRESS OF

RECORD, UNLESS THE ELECTOR HAS REQUESTED THAT SUCH COMMUNICATION BE SENT TO HIS OR HER DELIVERABLE MAILING ADDRESS PURSUANT TO SECTION 1-2-204 (2) (k), a notice pursuant to section 1-2-509 by forwardable mail and a postage prepaid, preaddressed form by which the elector may verify or correct the address information. If the elector verifies that he or she resides in a county other than the county mailing the mail ballot, 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 file of the county. If the elector fails to respond, the county clerk and recorder shall mark the registration record of that elector with the word "Inactive".

(6) (b) A confirmation card shall be mailed, shall have a place for an address change, shall be sent by forwardable mail TO THE ELECTOR'S ADDRESS OF RECORD, UNLESS THE ELECTOR HAS REQUESTED THAT SUCH COMMUNICATION BE SENT TO HIS OR HER DELIVERABLE MAILING ADDRESS PURSUANT TO SECTION 1-2-204 (2) (k), shall have a returnable portion that has the return postage prepaid and is preaddressed to the sending county clerk and recorder, and shall include a registration form to allow the elector to reregister in the county where the elector resides.

(7) If the county clerk and recorder receives no response to the confirmation card and the elector has been designated "Inactive" for two general elections since the confirmation card was mailed PURSUANT TO THE REQUIREMENTS OF THIS ARTICLE, the county clerk and recorder shall cancel the registration record of the elector.

SECTION 5. 1-5-206 (1), Colorado Revised Statutes, is amended to read:

1-5-206. Postcard notice and notice by publication. (1) No later than twenty-five days before the general election, the county clerk and recorder shall mail ~~by forwardable mail~~ a voter information card concerning the general election to all active eligible electors of the county. The card shall BE MAILED BY FORWARDABLE MAIL TO THE ELECTOR'S ADDRESS OF RECORD, UNLESS THE ELECTOR HAS REQUESTED THAT SUCH COMMUNICATION BE SENT TO HIS OR HER DELIVERABLE MAILING ADDRESS PURSUANT TO SECTION 1-2-204 (2) (k), AND SHALL contain the eligible elector's name and address, precinct number, polling location for the general election, and any other applicable information.

SECTION 6. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 13, 1999