

## CHAPTER 326

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**ELECTIONS**


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**HOUSE BILL 03-1356**

BY REPRESENTATIVE(S) Fairbank, Cadman, Coleman, Garcia, Hoppe, Miller, Paccione, Romanoff, Schultheis, Sinclair, Spradley, Stafford, and Williams S.;

also SENATOR(S) Sandoval, Arnold, Cairns, Entz, Hagedorn, Hanna, Hillman, Isgar, Jones, Kester, Lamborn, Linkhart, May R., Nichol, Phillips, Reeves, Tapia, Taylor, Teck, and Tupa.

**AN ACT**

**CONCERNING IMPLEMENTATION OF THE FEDERAL "HELP AMERICA VOTE ACT OF 2002", AND, IN CONNECTION THEREWITH, CREATING A FEDERAL ELECTIONS ASSISTANCE FUND, CREATING A STATEWIDE CENTRALIZED VOTER REGISTRATION SYSTEM, REQUIRING SPECIFIED FORMS OF IDENTIFICATION FROM FIRST-TIME VOTERS, 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 (19.5) (a) (II), (19.5) (a) (V), and (19.5) (a) (VI), Colorado Revised Statutes, as enacted by Senate Bill 03-102, enacted at the First Regular Session of the Sixty-fourth General Assembly, are amended, and the said 1-1-104 (19.5) (a) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

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

(19.5) (a) "Identification" means:

(II) A valid ~~state-issued~~ identification card ISSUED BY THE DEPARTMENT OF REVENUE IN ACCORDANCE WITH THE REQUIREMENTS OF PART 3 OF ARTICLE 2 OF TITLE 42, C.R.S.;

(V) A valid pilot's license with a photograph of the eligible elector issued by the federal aviation administration or other authorized agency of the United States; ~~or~~

(VI) A valid United States military identification card with a photograph of the eligible elector; OR

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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.*

(VII) A COPY OF A CURRENT UTILITY BILL, BANK STATEMENT, GOVERNMENT CHECK, PAYCHECK, OR OTHER GOVERNMENT DOCUMENT THAT SHOWS THE NAME AND ADDRESS OF THE ELECTOR.

**SECTION 2.** 1-1-107 (1), Colorado Revised Statutes, 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:

(e) TO SERVE AS THE CHIEF STATE ELECTION OFFICIAL WITHIN THE MEANING OF THE FEDERAL "HELP AMERICA VOTE ACT OF 2002", P.L. NO.107-252, AND, IN THAT CAPACITY, TO COORDINATE THE RESPONSIBILITIES OF THE STATE OF COLORADO UNDER THE FEDERAL ACT IN ACCORDANCE WITH THE REQUIREMENTS OF THIS CODE.

**SECTION 3. Repeal.** 1-1-107 (6), Colorado Revised Statutes, is repealed as follows:

**1-1-107. Powers and duties of secretary of state - penalty.**  
(6) ~~Notwithstanding any provision of this section to the contrary, and subject to the provisions of section 1-2-301 (2) (a), every county may maintain and use any computer system it chooses for maintaining voter registration information.~~

**SECTION 4.** 1-1-109 (1), Colorado Revised Statutes, is amended to read:

**1-1-109. Forms prescribed.** (1) Except as otherwise provided by this code, the secretary of state ~~may provide the~~ SHALL APPROVE ALL forms required by this code, which forms ~~may~~ SHALL be followed by county clerk and recorders, election judges, and other election officials.

**SECTION 5.** 1-1-110 (1), Colorado Revised Statutes, is amended to read:

**1-1-110. Powers of the county clerk and recorder and deputy.** (1) The county clerk and recorder, in rendering decisions and interpretations under this code, shall consult with the secretary of state and ~~consult~~ FOLLOW the rules and ~~regulations~~ ORDERS promulgated by the secretary of state pursuant to this ~~article~~ CODE.

**SECTION 6.** 1-1-113, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**1-1-113. Neglect of duty and wrongful acts.** (5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE PROCEDURES SPECIFIED IN SECTION 1-1.5-105 SHALL CONSTITUTE THE EXCLUSIVE ADMINISTRATIVE REMEDY FOR A COMPLAINT ARISING UNDER TITLE III OF THE FEDERAL "HELP AMERICA VOTE ACT OF 2002", P.L. NO. 107-252.

**SECTION 7.** Title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

**ARTICLE 1.5**  
**Help America Vote Act**

**1-1.5-101. Legislative declaration.** (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

(a) THE "HELP AMERICA VOTE ACT OF 2002", P.L. NO. 107-252, WAS PASSED BY THE UNITED STATES CONGRESS AND SIGNED INTO LAW BY PRESIDENT GEORGE W. BUSH ON OCTOBER 29, 2002.

(b) HAVA RESULTED FROM A NATIONAL CONSENSUS THAT THE NATION'S ELECTORAL SYSTEM NEEDS IMPROVEMENTS TO ENSURE THAT EVERY ELIGIBLE VOTER HAS THE OPPORTUNITY TO VOTE, THAT EVERY VOTE THAT SHOULD BE COUNTED WILL BE COUNTED, AND THAT NO LEGAL VOTE WILL BE CANCELED BY A FRAUDULENT VOTE.

(c) HAVA CLEARLY DEFINES THE RIGHTS AND PRIVILEGES OF THOSE ELIGIBLE INDIVIDUALS WHO SEEK TO VOTE, INCLUDING ALL OVERSEAS AND MILITARY SERVICE VOTERS, AND SEEKS TO PREVENT DISENFRANCHISEMENT RESULTING FROM MISTAKEN DETERMINATIONS OF INELIGIBILITY TO VOTE, THE USE OF OUTDATED VOTING SYSTEMS THAT ARE UNRELIABLE OR INSUFFICIENTLY ACCESSIBLE FOR DISABLED VOTERS, OR UNNECESSARY ADMINISTRATIVE OBSTACLES.

(d) TO ACHIEVE THESE PURPOSES, HAVA AUTHORIZES SIGNIFICANT AMOUNTS OF FEDERAL FINANCIAL ASSISTANCE TO THE STATES TO FINANCE THE PURCHASE OF MORE RELIABLE VOTING SYSTEMS AND MANDATES CHANGES IN THE CONDUCT OF FEDERAL ELECTIONS IN ALL STATES FOR THE PURPOSES OF ENSURING GREATER ACCESS TO THE POLLS BY INDIVIDUALS WITH DISABILITIES, PROVIDING MORE INFORMATION TO INDIVIDUALS WHO WISH TO VOTE, IMPROVING THE TRAINING OF POLL WORKERS, AND REDUCING THE POSSIBILITY OF FRAUD IN THE ELECTORAL PROCESS.

(e) AS A CONDITION OF THE RECEIPT OF CERTAIN FUNDS FROM THE FEDERAL GOVERNMENT UNDER HAVA, SECTION 253 (b) (5) OF HAVA REQUIRES THE STATES TO APPROPRIATE FUNDS FOR CARRYING OUT THE ACTIVITIES FOR WHICH SUCH PAYMENTS ARE MADE IN AN AMOUNT EQUAL TO FIVE PERCENT OF THE TOTAL AMOUNT TO BE SPENT FOR SUCH ACTIVITIES.

(f) HAVA EMPOWERS THE UNITED STATES DEPARTMENT OF JUSTICE TO BRING CIVIL ACTIONS SEEKING SUCH DECLARATORY AND INJUNCTIVE RELIEF AS MAY BE NECESSARY TO CARRY OUT UNIFORM AND NONDISCRIMINATORY ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS. ACCORDINGLY, FAILURE TO SATISFY THE REQUIREMENTS OF HAVA MAY SUBJECT ELECTION LAWS AND PROCEDURES OF THIS STATE TO STRINGENT REVIEW AND APPROVAL BY THE UNITED STATES DEPARTMENT OF JUSTICE.

(g) IN ORDER THAT ITS REQUIREMENTS MAY BE EFFECTIVELY AND UNIFORMLY IMPLEMENTED, HAVA MANDATES A GREATER ROLE FOR THE STATE GOVERNMENTS AND, IN PARTICULAR, THE CHIEF ELECTION OFFICIAL OF EACH STATE, IN OVERSEEING AND COORDINATING ELECTIONS AND IN ENFORCING AND IMPLEMENTING UNIFORM STANDARDS IN ELECTIONS.

(h) IN COLORADO, THE SECRETARY OF STATE IS THE CHIEF STATE ELECTION OFFICIAL AND, IN THAT CAPACITY, IS CHARGED BY HAVA AND EXISTING STATE STATUTORY PROVISIONS WITH RESPONSIBILITY FOR SUPERVISING THE CONDUCT OF ELECTIONS AND FOR ENFORCING AND IMPLEMENTING THE PROVISIONS OF HAVA AND

OF THIS CODE.

(2) NOW, THEREFORE, BY ENACTING THIS ARTICLE, THE GENERAL ASSEMBLY INTENDS TO:

(a) BEGIN THE PROCESS OF IMPLEMENTING THE CHANGES IN THIS CODE THAT ARE REQUIRED BY HAVA;

(b) ENSURE THE TIMELY FULFILLMENT BY THE STATE OF ALL REQUIREMENTS FOR ELIGIBILITY UNDER HAVA TO BE ABLE TO RECEIVE APPROPRIATED FEDERAL FUNDS UNDER HAVA; AND

(c) PROVIDE THE SECRETARY OF STATE WITH SUFFICIENT AUTHORITY TO ENSURE THAT THE STATE OF COLORADO IS FULLY COMPLIANT WITH ALL REQUIREMENTS IMPOSED UPON IT PURSUANT TO HAVA.

(3) THE GENERAL ASSEMBLY FURTHER INTENDS THAT THIS ARTICLE BE LIBERALLY CONSTRUED TO EFFECTUATE ITS PURPOSES AS EXPRESSED IN THIS SECTION.

**1-1.5-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "DEPARTMENT" MEANS THE COLORADO DEPARTMENT OF STATE.

(2) "FUND" MEANS THE FEDERAL ELECTIONS ASSISTANCE FUND CREATED IN SECTION 1-1.5-106.

(3) "HAVA" MEANS THE FEDERAL "HELP AMERICA VOTE ACT OF 2002", P.L. NO. 107-252, CODIFIED AT 42 U.S.C. SEC. 15512.

(4) "SECRETARY" MEANS THE COLORADO SECRETARY OF STATE.

**1-1.5-103. Conflict with federal law.** IF THE SECRETARY OR A COURT OF COMPETENT JURISDICTION DETERMINES THERE IS A CONFLICT BETWEEN THIS ARTICLE OR ANY OTHER PROVISION OF THIS CODE AND ANY PROVISION OF HAVA, THE PROVISIONS OF HAVA AND ANY RULES PROMULGATED THEREUNDER SHALL CONTROL, AND THE SECRETARY SHALL PERFORM THE DUTIES AND DISCHARGE THE OBLIGATIONS CONTAINED IN THE FEDERAL ACT. IF SUCH A DETERMINATION IS MADE, THE SECRETARY SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY EXPLAINING THE CONFLICT AND SUGGESTING LANGUAGE TO CHANGE THIS ARTICLE IN THE NEXT LEGISLATIVE SESSION.

**1-1.5-104. Authority of secretary of state.** (1) THE SECRETARY MAY EXERCISE SUCH POWERS AND PERFORM SUCH DUTIES AS REASONABLY NECESSARY TO ENSURE THAT THE STATE IS COMPLIANT WITH ALL REQUIREMENTS IMPOSED UPON IT PURSUANT TO HAVA TO BE ELIGIBLE ON A TIMELY BASIS FOR ALL FEDERAL FUNDS MADE AVAILABLE TO THE STATE UNDER HAVA, INCLUDING, WITHOUT LIMITATION, THE POWER AND DUTY TO:

(a) DEVELOP AND REQUIRE EDUCATION AND TRAINING PROGRAMS AND RELATED SERVICES FOR STATE, COUNTY, AND LOCAL ELECTION OFFICIALS INVOLVED IN THE

## CONDUCT OF ELECTIONS;

(b) PROMULGATE, OVERSEE, AND IMPLEMENT CHANGES IN THE STATEWIDE VOTER REGISTRATION SYSTEM AS SPECIFIED IN PART 3 OF ARTICLE 2 OF THIS TITLE;

(c) ESTABLISH A UNIFORM ADMINISTRATIVE COMPLAINT PROCEDURE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 1-1.5-105;

(d) ISSUE APPROPRIATE ORDERS TO COUNTY OR LOCAL ELECTION OFFICIALS IN CONNECTION WITH THE PROPER ADMINISTRATION, IMPLEMENTATION, AND ENFORCEMENT OF THE FEDERAL ACT, WHICH ORDERS SHALL BE ENFORCEABLE IN A COURT OF COMPETENT JURISDICTION;

(e) PROMULGATE RULES IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 4 OF TITLE 24, C.R.S., AS THE SECRETARY FINDS NECESSARY FOR THE PROPER ADMINISTRATION, IMPLEMENTATION, AND ENFORCEMENT OF HAVA AND OF THIS ARTICLE; AND

(f) EXERCISE ANY OTHER POWERS OR PERFORM ANY OTHER DUTIES THAT ARE CONSISTENT WITH THIS ARTICLE AND THAT ARE REASONABLY NECESSARY FOR THE PROPER ADMINISTRATION, IMPLEMENTATION, AND ENFORCEMENT OF HAVA AND THAT WILL IMPROVE THE CONDUCT OF ELECTIONS IN THE STATE IN CONFORMITY WITH HAVA.

(2) (a) ACTING EITHER UPON HIS OR HER OWN INITIATIVE OR UPON A COMPLAINT SUBMITTED TO HIM OR HER GIVING THE SECRETARY REASONABLE GROUNDS TO BELIEVE THAT AN ELECTION IN THIS STATE IS NOT BEING CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF HAVA OR OF THIS CODE, THE SECRETARY MAY INVESTIGATE THE ALLEGATION OF NONCOMPLIANCE. IN CONNECTION WITH SUCH AN INVESTIGATION, THE SECRETARY MAY:

(I) COMPEL THE TESTIMONY OF WITNESSES AND THE PRODUCTION OF DOCUMENTS FROM ANY STATE, COUNTY, OR LOCAL OFFICIAL INVOLVED IN THE CONDUCT OF THE ELECTION; AND

(II) SEND ONE OR MORE OFFICIAL ELECTION OBSERVERS TO ANY COUNTY IN THE STATE TO EXAMINE THE CONDUCT OF ANY ASPECT OF ANY ELECTION GIVING RISE TO THE ALLEGATION OF NONCOMPLIANCE. THE CLERK AND RECORDER OF THE COUNTY IN WHICH THE ALLEGATION OF NONCOMPLIANCE ARISES SHALL ASSUME THE COSTS ASSOCIATED WITH THE TRAVEL AND OTHER EXPENSES OF ANY OBSERVERS SENT TO THE COUNTY PURSUANT TO THIS SUBPARAGRAPH (II) WHERE THE SECRETARY HAS REASONABLE GROUNDS TO BELIEVE THAT THE ELECTION IS NOT BEING CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF HAVA OR OF THIS CODE.

(b) IN ORDER TO SATISFY THE REQUIREMENTS OF THIS SUBSECTION (2), THE SECRETARY MAY REQUIRE THAT EACH COUNTY DESIGNATE NOT LESS THAN THREE PERSONS EXPERIENCED IN THE CONDUCT OF ELECTIONS TO FORM A POOL OF OFFICIAL ELECTION OBSERVERS.

(3) WITH THE EXCEPTION OF A COMPLAINT BROUGHT UNDER SECTION 1-1.5-105 TO REMEDY AN ALLEGED VIOLATION OF HAVA, ANY INTERESTED PARTY THAT HAS

REASONABLE GROUNDS TO BELIEVE THAT AN ELECTION IS NOT BEING CONDUCTED IN CONFORMITY WITH THE REQUIREMENTS OF THIS CODE MAY APPLY TO THE DISTRICT COURT IN THE JUDICIAL DISTRICT IN WHICH THE ALLEGATION OF NONCOMPLIANCE ARISES FOR AN ORDER GIVING THE SECRETARY ACCESS TO ALL PERTINENT ELECTION RECORDS USED IN CONDUCTING THE ELECTION AND REQUESTING THE SECRETARY TO CONDUCT THE ELECTION.

**1-1.5-105. Complaint procedure.** (1) SUBJECT TO THE REQUIREMENTS OF THIS SECTION, IN ACCORDANCE WITH SECTION 402 OF HAVA, THE SECRETARY MAY ESTABLISH BY RULE A UNIFORM ADMINISTRATIVE COMPLAINT PROCEDURE TO REMEDY GRIEVANCES BROUGHT UNDER TITLE III OF HAVA.

(2) ANY RULES PROMULGATED PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL PROVIDE FOR, BUT NEED NOT BE LIMITED TO, THE FOLLOWING:

(a) A UNIFORM AND NONDISCRIMINATORY COMPLAINT PROCEDURE;

(b) AUTHORIZATION FOR ANY PERSON WHO HAS EITHER BEEN PERSONALLY AGGRIEVED BY OR HAS PERSONALLY WITNESSED A VIOLATION OF TITLE III OF HAVA THAT HAS OCCURRED, IS OCCURRING, OR THAT IS ABOUT TO OCCUR, AS APPLICABLE, TO FILE A COMPLAINT;

(c) A DESCRIPTION BY THE COMPLAINANT IN HIS OR HER COMPLAINT OF THE ALLEGED VIOLATION WITH PARTICULARITY AND A REFERENCE TO THE SECTION OF HAVA ALLEGED TO HAVE BEEN VIOLATED;

(d) A REQUIREMENT THAT THE COMPLAINT BE FILED NO LATER THAN ONE YEAR FROM THE DATE OF EITHER THE OCCURRENCE OF THE ALLEGED VIOLATION OR OF THE ELECTION GIVING RISE TO THE COMPLAINT, WHICHEVER IS LATER;

(e) A REQUIREMENT THAT EACH COMPLAINT BE IN WRITING AND NOTARIZED, SIGNED, AND SWORN BY THE PERSON FILING THE COMPLAINT;

(f) AUTHORIZATION FOR THE SECRETARY TO CONSOLIDATE TWO OR MORE COMPLAINTS;

(g) AT THE REQUEST OF THE COMPLAINANT, A HEARING ON THE RECORD;

(h) AUTHORIZATION FOR THE SECRETARY TO PROVIDE AN APPROPRIATE REMEDY IF THE SECRETARY DETERMINES THAT ANY PROVISION OF TITLE III OF HAVA HAS BEEN VIOLATED OR TO DISMISS THE COMPLAINT AND PUBLISH THE RESULTS OF HIS OR HER REVIEW IF THE SECRETARY DETERMINES THAT NO PROVISION OF TITLE III OF HAVA HAS BEEN VIOLATED;

(i) A FINAL DETERMINATION ON THE COMPLAINT BY THE SECRETARY PRIOR TO THE EXPIRATION OF THE NINETY-DAY PERIOD THAT BEGINS ON THE DATE THE COMPLAINT IS FILED, UNLESS THE COMPLAINANT CONSENTS TO AN EXTENSION OF TIME FOR MAKING SUCH DETERMINATION;

(j) RESOLUTION OF THE COMPLAINT WITHIN SIXTY DAYS UNDER AN ALTERNATIVE DISPUTE RESOLUTION PROCEDURE THAT THE SECRETARY SHALL ESTABLISH IN

ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION IF THE SECRETARY FAILS TO SATISFY THE APPLICABLE DEADLINE SPECIFIED IN PARAGRAPH (i) OF THIS SUBSECTION (2), AND THE AVAILABILITY OF THE RECORD AND ANY OTHER MATERIALS FROM ANY PROCEEDINGS CONDUCTED UNDER THE COMPLAINT PROCEDURES ESTABLISHED FOR USE UNDER SUCH ALTERNATIVE DISPUTE RESOLUTION PROCEDURES;

(k) AUTHORIZATION FOR THE SECRETARY TO CONDUCT A PRELIMINARY REVIEW OF ANY COMPLAINT SUBMITTED TO HIM OR HER AND TO DISMISS ANY COMPLAINT THAT HE OR SHE FINDS IS NOT SUPPORTED BY CREDIBLE EVIDENCE; AND

(l) RECOVERY BY THE SECRETARY OF THE COSTS OF THE PROCEEDING AGAINST ANY COMPLAINANT WHO FILES A COMPLAINT THAT, IN CONNECTION WITH THE FINAL DETERMINATION BY THE SECRETARY PURSUANT TO PARAGRAPH (i) OF THIS SUBSECTION (2), IS FOUND, ON THE BASIS OF CLEAR AND CONVINCING EVIDENCE, TO BE FRIVOLOUS, GROUNDLESS, OR VEXATIOUS.

(3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW:

(a) NO COMPLAINT SHALL BE BROUGHT PURSUANT TO THE PROCEDURE CREATED BY THIS SECTION UNLESS THE COMPLAINT ALLEGES A VIOLATION OF TITLE III OF HAVA;

(b) PROCEEDINGS FOR THE RESOLUTION OF A COMPLAINT BROUGHT PURSUANT TO THIS SECTION SHALL NOT BE CONSIDERED AN ADJUDICATION UNDER ARTICLE 4 OF TITLE 24, C.R.S.; AND

(c) THE PROCEDURES CREATED BY THIS SECTION SHALL CONSTITUTE THE EXCLUSIVE ADMINISTRATIVE REMEDY FOR A VIOLATION OF TITLE III OF HAVA.

(4) ANY PERSON AGGRIEVED BY A FINAL DETERMINATION BY THE SECRETARY ACTING PURSUANT TO PARAGRAPH (i) OF SUBSECTION (2) OF THIS SECTION MAY APPEAL THE SECRETARY'S DETERMINATION TO THE DISTRICT COURT IN AND FOR THE CITY AND COUNTY OF DENVER WITHIN THIRTY DAYS OF THE DATE OF THE DETERMINATION.

**1-1.5-106. Federal elections assistance fund - match requirements - maintenance of effort - grants and loans to counties.** (1) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE FEDERAL ELECTIONS ASSISTANCE FUND, WHICH FUND SHALL BE ADMINISTERED BY THE SECRETARY AND SHALL CONSIST OF:

(I) ALL MONEYS RECEIVED BY THE STATE FROM THE FEDERAL GOVERNMENT PURSUANT TO HAVA;

(II) ALL MONEYS APPROPRIATED OR OTHERWISE MADE AVAILABLE TO THE FUND BY THE GENERAL ASSEMBLY FOR THE PURPOSE OF CARRYING OUT THE ACTIVITIES REQUIRED BY HAVA;

(III) ALL MONEYS RECEIVED BY THE STATE AS PAYMENT FROM THE COUNTIES PURSUANT TO SUBSECTION (3) OF THIS SECTION;

(IV) MONEYS COLLECTED BY THE SECRETARY FOR THE IMPLEMENTATION OF THIS

ARTICLE FROM FEDERAL GRANTS AND OTHER CONTRIBUTIONS, GRANTS, BEQUESTS, AND DONATIONS RECEIVED FROM INDIVIDUALS, PRIVATE ORGANIZATIONS, OR FOUNDATIONS; AND

(V) INTEREST EARNED ON DEPOSITS MADE TO THE FUND.

(b) ALL MONEYS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL BE TRANSMITTED TO THE STATE TREASURER TO BE CREDITED TO THE FUND.

(2) (a) ANY MONEYS RECEIVED BY THE STATE FROM THE FEDERAL GOVERNMENT PURSUANT TO HAVA SHALL BE USED BY THE STATE ONLY FOR THE PURPOSES SPECIFIED BY THE PROVISIONS OF HAVA UNDER WHICH THE MONEYS WERE PROVIDED.

(b) ALL MONEYS IN THE FUND ARE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT FOR THE PROPER ADMINISTRATION, IMPLEMENTATION, AND ENFORCEMENT OF HAVA IN ACCORDANCE WITH THE REQUIREMENTS OF THIS ARTICLE. ALL MONEYS IN THE FUND AT THE END OF EACH FISCAL YEAR SHALL BE RETAINED IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND OR ANY OTHER FUND.

(3) SUBJECT TO AVAILABLE APPROPRIATIONS, THE SECRETARY MAY DIRECT THAT MONEYS IN THE DEPARTMENT OF STATE CASH FUND CREATED IN SECTION 24-21-104 (3) (b), C.R.S., AS OF JULY 1, 2003, BE USED TO SATISFY IN WHOLE OR IN PART THE REQUIREMENT OF SECTION 253 (b) (5) OF HAVA THAT THE STATE APPROPRIATE FUNDS FOR CARRYING OUT THE ACTIVITIES FOR WHICH FEDERAL PAYMENTS ARE BEING MADE IN AN AMOUNT EQUAL TO FIVE PERCENT OF THE TOTAL AMOUNT TO BE SPENT FOR SUCH ACTIVITIES. IN ORDER TO ASSIST THE STATE IN SATISFYING THIS REQUIREMENT OF HAVA, THE SECRETARY MAY ASSESS THE COUNTIES FOR A SHARE OF THE FINANCIAL REQUIREMENT ASSESSED AGAINST THE STATE UNDER HAVA AS SPECIFIED IN THIS SUBSECTION (3) AND MAY ESTABLISH BY RULE A PLAN TO FAIRLY AND REASONABLY ALLOCATE THE FINANCIAL OBLIGATION AMONG THE COUNTIES PURSUANT TO THIS SUBSECTION (3).

(4) FOR THE 2002-03 FISCAL YEAR, AND FOR EACH FISCAL YEAR THEREAFTER IN WHICH THE STATE RECEIVES PAYMENTS FROM THE FEDERAL GOVERNMENT IN ACCORDANCE WITH TITLE I OF HAVA, AND SUBJECT TO AVAILABLE APPROPRIATIONS, THE GENERAL ASSEMBLY SHALL MAKE AN ANNUAL APPROPRIATION TO THE DEPARTMENT OUT OF MONEYS IN THE DEPARTMENT OF STATE CASH FUND FOR ELECTION-RELATED PURPOSES THAT IS NOT LESS THAN THE LEVEL OF EXPENDITURES FOR SUCH PURPOSES MAINTAINED BY THE STATE FOR THE 2001-02 FISCAL YEAR.

(5) FOR THE 2002-03 FISCAL YEAR, AND FOR EACH FISCAL YEAR THEREAFTER IN WHICH THE STATE RECEIVES PAYMENTS FROM THE FEDERAL GOVERNMENT IN ACCORDANCE WITH TITLE I OF HAVA, AND SUBJECT TO AVAILABLE APPROPRIATIONS, THE SECRETARY SHALL MAINTAIN OUT OF MONEYS IN THE DEPARTMENT OF STATE CASH FUND A LEVEL OF EXPENDITURES IN SUPPORT OF THE STATEWIDE VOTER REGISTRATION SYSTEM CREATED IN SECTION 1-2-301 THAT IS NOT LESS THAN THE LEVEL OF EXPENDITURES FOR SUCH PURPOSES MAINTAINED BY THE SECRETARY FOR THE 2001-02 FISCAL YEAR.

(6) FOR THE COUNTY FISCAL YEAR THAT ENDS PRIOR TO NOVEMBER 1, 2003, AND

FOR EACH COUNTY FISCAL YEAR THEREAFTER IN WHICH THE STATE RECEIVES PAYMENTS FROM THE FEDERAL GOVERNMENT IN ACCORDANCE WITH TITLE I OF HAVA, EACH COUNTY SHALL MAINTAIN NOT LESS THAN THE SAME AMOUNT OF EXPENDITURES ON ACTIVITIES ARISING UNDER TITLE III OF HAVA THAT IT EXPENDED ON SUCH ACTIVITIES FOR ITS FISCAL YEAR ENDING PRIOR TO NOVEMBER 2002, EXCLUDING MONEYS EXPENDED DURING THAT PERIOD FOR CAPITAL EXPENDITURES ON NEW VOTING EQUIPMENT OR ANY OTHER ONE-TIME CAPITAL EXPENDITURE AS DETERMINED BY THE SECRETARY.

(7) THE SECRETARY MAY ESTABLISH A PROGRAM PURSUANT TO WHICH THE SECRETARY MAY AWARD GRANTS OR LOANS TO THE COUNTIES FOR THE PURPOSE OF ASSISTING THE COUNTIES IN MEETING ANY OF THE REQUIREMENTS IMPOSED UPON THEM PURSUANT TO HAVA OR BY THIS ARTICLE. IN CONNECTION WITH THE ESTABLISHMENT OF ANY SUCH PROGRAM CREATED PURSUANT TO THIS SUBSECTION (7), THE SECRETARY SHALL SPECIFY, WITHOUT LIMITATION, QUALIFICATION REQUIREMENTS FOR ELIGIBILITY TO RECEIVE A GRANT OR LOAN, ADMINISTRATION OF THE GRANT OR LOAN PROGRAM, CRITERIA FOR AWARDED A GRANT OR LOAN, ANY LIMIT ON THE TOTAL AMOUNT OF MONEYS TO BE AWARDED IN A GRANT OR LOAN PURSUANT TO THE REQUIREMENTS OF THIS SUBSECTION (7), ANY LIMIT ON THE AMOUNT TO BE AWARDED TO ANY ONE GRANT OR LOAN RECIPIENT, AUDITING OR REPORTING REQUIREMENTS FOR GRANT OR LOAN RECIPIENTS, PENALTY PROVISIONS WHERE GRANT OR LOAN MONEYS ARE EXPENDED IMPROPERLY, AND, IN THE CASE OF LOANS, REPAYMENT TERMS. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EACH LOAN AWARDED PURSUANT TO THIS SUBSECTION (7) SHALL BEAR INTEREST AT A SPECIFIED RATE.

(8) IN RESPONSE TO THE FAILURE BY A COUNTY TO SATISFY ANY OF THE REQUIREMENTS IMPOSED UPON IT PURSUANT TO THIS SECTION, THE SECRETARY MAY DEDUCT FROM THE REIMBURSEMENT TO WHICH THE COUNTY WOULD ORDINARILY BE ENTITLED PURSUANT TO SECTION 1-5-505.5 THE AMOUNT OF MONEYS OWED BY THE COUNTY PURSUANT TO THIS SECTION.

(9) ANY COUNTY MAY DONATE TO THE STATE EQUIPMENT FOR VOTER REGISTRATION PURPOSES IN ACCORDANCE WITH PART 3 OF ARTICLE 2 OF THIS TITLE, WHICH EQUIPMENT IS DETERMINED TO BE USABLE BY THE SECRETARY. IN EXCHANGE FOR SUCH DONATION, THE COUNTY SHALL RECEIVE A CREDIT IN THE AMOUNT OF THE FAIR MARKET VALUE OF THE ITEM DONATED AGAINST THE FINANCIAL OBLIGATION ASSESSED AGAINST THE COUNTY PURSUANT TO SUBSECTION (3) OF THIS SECTION.

**SECTION 8.** 1-2-204 (2) (f.5), Colorado Revised Statutes, is amended, and the said 1-2-204 is further amended BY THE ADDITION OF A NEW SUBSECTION, 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.5) IN THE CASE OF AN ELECTOR WHO HAS BEEN ISSUED A CURRENT AND VALID COLORADO DRIVER'S LICENSE, THE ELECTOR'S COLORADO DRIVER'S LICENSE NUMBER AND the last four digits of the elector's social security number. If the elector ~~wishes to state them~~ HAS A CURRENT AND VALID IDENTIFICATION CARD ISSUED BY THE DEPARTMENT OF REVENUE IN ACCORDANCE WITH THE REQUIREMENTS OF PART 3 OF

ARTICLE 2 OF TITLE 42, C.R.S., INSTEAD OF A DRIVER'S LICENSE, THE ELECTOR MAY PROVIDE THE NUMBER OF SUCH IDENTIFICATION CARD INSTEAD OF A COLORADO DRIVER'S LICENSE NUMBER ALONG WITH THE LAST FOUR DIGITS OF THE ELECTOR'S SOCIAL SECURITY NUMBER.

(2.5) IF AN APPLICANT FOR VOTER REGISTRATION HAS NOT BEEN ISSUED A CURRENT AND VALID COLORADO DRIVER'S LICENSE, A CURRENT AND VALID IDENTIFICATION CARD ISSUED BY THE DEPARTMENT OF REVENUE IN ACCORDANCE WITH THE REQUIREMENTS OF PART 3 OF ARTICLE 2 OF TITLE 42, C.R.S., OR A SOCIAL SECURITY NUMBER, THE SECRETARY OF STATE SHALL ASSIGN THE APPLICANT A NUMBER THAT WILL SERVE TO IDENTIFY THE APPLICANT FOR VOTER REGISTRATION PURPOSES. INsofar AS THE DEPARTMENT OF STATE HAS CREATED A COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST IN ACCORDANCE WITH THE REQUIREMENTS OF PART 3 OF THIS ARTICLE AND THE LIST ASSIGNS UNIQUE IDENTIFYING NUMBERS TO REGISTRANTS, THE NUMBER ASSIGNED UNDER THIS SUBSECTION (2.5) SHALL BE THE UNIQUE IDENTIFYING NUMBER ASSIGNED UNDER THE LIST.

**SECTION 9.** 1-2-301 (1), (2) (a), and (4), Colorado Revised Statutes, are amended to read:

**1-2-301. Centralized statewide registration system - secretary of state to maintain computerized statewide voter registration list - county computer records - agreement to match information.** (1) ~~The secretary of state shall maintain in the office a complete list of all the registered electors in this state. The list shall be maintained by county and by precinct, and each elector on the list shall be identified by name, place of residence, precinct number, date of birth, social security number or other identification number, and the date or dates on which the elector has registered. The list shall include the voting history provided pursuant to section 1-2-305.~~ NO LATER THAN JANUARY 1, 2006, THE SECRETARY OF STATE SHALL IMPLEMENT, IN A UNIFORM AND NONDISCRIMINATORY MANNER, A SINGLE, UNIFORM, OFFICIAL, CENTRALIZED, INTERACTIVE, COMPUTERIZED STATEWIDE VOTER REGISTRATION SYSTEM DEFINED, MAINTAINED, AND ADMINISTERED AT THE STATE LEVEL, WHICH SYSTEM SHALL CONTAIN A COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST MAINTAINED BY THE SECRETARY OF STATE THAT CONTAINS THE NAME AND REGISTRATION INFORMATION OF EVERY LEGALLY REGISTERED VOTER IN THE STATE AND THAT ASSIGNS A UNIQUE IDENTIFIER TO EACH LEGALLY REGISTERED VOTER. THE SINGLE, UNIFORM, OFFICIAL, CENTRALIZED, INTERACTIVE, COMPUTERIZED STATEWIDE VOTER REGISTRATION SYSTEM REQUIRED BY THIS SUBSECTION (1) SHALL BE REFERRED TO IN THIS PART 3 AS THE "CENTRALIZED STATEWIDE REGISTRATION SYSTEM". THE CENTRALIZED STATEWIDE REGISTRATION SYSTEM SHALL REPLACE THE VOTER REGISTRATION AND ELECTION MANAGEMENT THAT WAS REQUIRED TO BE DEVELOPED OR ACQUIRED PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION (1), AS AMENDED. ON OR BEFORE JANUARY 1, 2006, THE CENTRALIZED STATEWIDE REGISTRATION SYSTEM AND THE COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST SHALL BE FULLY COMPLIANT WITH ALL APPLICABLE REQUIREMENTS SPECIFIED IN SECTION 303 OF HAVA.

(2) (a) ON AND AFTER JANUARY 1, 2006, the county clerk and recorder of each county shall maintain voter registration information ~~on a county-owned system or maintain voter registration information~~ by utilizing the voter CENTRALIZED STATEWIDE registration and election management system developed or acquired by

the department of state under ~~subsection (4)~~ SUBSECTION (1) of this section. PRIOR TO THE IMPLEMENTATION OF THE COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIRED BY SUBSECTION (1) OF THIS SECTION, if the county chooses to maintain voter registration information on its own computer system, the information required by law to be transmitted to the secretary of state shall be transmitted in a media format acceptable to the secretary of state and within the time prescribed by the secretary of state, by this section, and by section 1-2-302.

~~(4) (a) (I) The department of state shall develop or acquire a voter registration and election management system, referred to in this subsection (4) as the "system", to replace the consolidated data processing system created pursuant to section 42-1-212, C.R.S., by January 1, 2002.~~

(II) The CENTRALIZED STATEWIDE REGISTRATION system shall enable county clerks and recorders to maintain voter registration information and shall include such additional capabilities as may be necessary or desirable to enable county clerks and recorders and the secretary of state to carry out their responsibilities related to the conduct of elections. Such additional capabilities may include but need not be limited to the preparation of ballots, the identification of voting districts for each address, access by county clerks and recorders to the master list of registered electors AND, ON OR AFTER JANUARY 1, 2006, THE COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST, maintained pursuant to this section and section 1-2-302, the management of absentee and mail ballots, the preparation of official abstracts of votes cast, the transmission of voting data from county clerks and recorders to the secretary of state, and reporting of voting results on election night.

(III) Subject to available appropriations, the department of state is responsible for the cost of ~~developing or acquiring and maintaining the software~~ COMPUTER HARDWARE and providing necessary training for the CENTRALIZED STATEWIDE REGISTRATION system. ~~Each county clerk and recorder that chooses to use the system may be required to pay for hardware costs and internet service if required by the system.~~ THE SECRETARY OF STATE SHALL PROMULGATE RULES SPECIFYING WHETHER SUCH HARDWARE IS OWNED BY THE DEPARTMENT OR THE COUNTIES OR WHETHER AND TO WHAT EXTENT OWNERSHIP MAY BE SHARED BETWEEN THE DEPARTMENT AND THE COUNTIES. If the department provides system hardware to any county clerk and recorder, it may transfer ownership of the hardware to that clerk and recorder. ~~who~~ THE SECRETARY OF STATE MAY PROMULGATE RULES PROVIDING THAT THE COUNTY CLERK AND RECORDERS shall be solely responsible for the support and maintenance of the hardware PROVIDED TO THE COUNTIES. ON OR AFTER JANUARY 1, 2006, the department shall make the CENTRALIZED STATEWIDE REGISTRATION system software available at no charge to the clerk and recorder of each county. ~~that utilized the consolidated data processing system created pursuant to section 42-1-212, C.R.S., as of July 1, 2000. The department shall make the system available to the clerk and recorder of each county that maintained voter registration information on a county-owned system as of July 1, 2000, for a fee determined by the department in an amount sufficient to cover the costs of integrating that county into the system, including licensing, maintenance and support of the system, and converting data in the county-owned system.~~

(b) As soon as practicable, the department of state shall make the master list of registered electors available at no charge on the internet to ~~those~~ THE county clerks

CLERK and recorders. ~~that do not utilize the system.~~ This paragraph (b) shall not be construed to require the department to provide or pay for internet connection services for any county.

(c) ~~The department of state and the department of revenue shall take all reasonable steps necessary to facilitate the transition from the consolidated data processing system to the system developed or acquired pursuant to this subsection (4).~~

**SECTION 10.** 1-2-302 (2), (3), and (8), Colorado Revised Statutes, are amended, and the said 1-2-302 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

**1-2-302. Maintenance of computerized statewide voter registration list - confidentiality.** (1.5) THE MAINTENANCE OF THE COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST BY THE SECRETARY OF STATE PURSUANT TO SECTION 1-2-301 (1) SHALL BE CONDUCTED IN A MANNER THAT ENSURES THAT:

(a) THE NAME OF EACH REGISTERED ELECTOR APPEARS IN THE COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST;

(b) ONLY THE NAMES OF VOTERS WHO ARE NOT REGISTERED OR WHO ARE NOT ELIGIBLE TO VOTE ARE REMOVED FROM THE COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST; AND

(c) DUPLICATE NAMES ARE REMOVED FROM THE COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST.

(2) The electors on the ~~master registration records~~ COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST shall be identified by name, place of residence, precinct number, date of birth, COLORADO DRIVER'S LICENSE NUMBER, social security number, or other identification number, AS SUCH NUMBERS MAY HAVE BEEN PROVIDED BY THE ELECTOR AT THE TIME THE ELECTOR FIRST REGISTERED TO VOTE, and the date of registration.

(3) As soon as is practicable after a general election, the county clerk and recorders shall transmit to the secretary of state, in a media format acceptable to the secretary of state, a list of the electors canceled from the registration records BY THE COUNTY CLERK AND RECORDERS pursuant to part 6 of this article. The electors shall be identified as provided in subsection (2) of this section.

(3.5) (a) THE SECRETARY OF STATE SHALL COORDINATE THE COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST WITH STATE AGENCY RECORDS ON DEATH. UPON BEING FURNISHED WITH THE REPORT PROVIDED TO HIM OR HER BY THE STATE REGISTRAR OF VITAL STATISTICS PURSUANT TO SECTION 1-2-602 (1), THE SECRETARY OF STATE MAY ELECTRONICALLY CANCEL THE REGISTRATION OF DECEASED PERSONS.

(b) THE SECRETARY OF STATE SHALL COORDINATE THE COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST WITH STATE AGENCY RECORDS ON FELONY STATUS. UPON BEING FURNISHED WITH INFORMATION FROM THE COLORADO INTEGRATED CRIMINAL JUSTICE SYSTEM THAT A PARTICULAR REGISTERED ELECTOR HAS BEEN CONVICTED OF A FELONY, THE SECRETARY OF STATE MAY ELECTRONICALLY CANCEL THE

## REGISTRATION OF PERSONS WHO HAVE BEEN CONVICTED OF A FELONY.

(6.5) AT THE EARLIEST PRACTICAL TIME, THE SECRETARY OF STATE, ACTING ON BEHALF OF THE DEPARTMENT OF STATE, AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE, AS THE OFFICIAL RESPONSIBLE FOR THE MOTOR VEHICLE BUSINESS GROUP, SHALL ENTER INTO AN AGREEMENT TO MATCH INFORMATION IN THE DATABASE OF THE CENTRALIZED STATEWIDE REGISTRATION SYSTEM WITH INFORMATION IN THE DATABASE OF THE MOTOR VEHICLE BUSINESS GROUP TO THE EXTENT REQUIRED TO ENABLE EACH DEPARTMENT TO VERIFY THE ACCURACY OF THE INFORMATION PROVIDED ON APPLICATIONS FOR VOTER REGISTRATION IN CONFORMITY WITH THE REQUIREMENTS OF SECTION 303 (a) (5) (B) (i) OF HAVA.

(6.7) IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 42-1-211 (1.5) (c), C.R.S., THE DEPARTMENT OF REVENUE SHALL ENTER INTO AN AGREEMENT WITH THE FEDERAL COMMISSIONER OF SOCIAL SECURITY FOR THE PURPOSE OF VERIFYING APPLICABLE INFORMATION IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 303 (a) (5) (B) (ii) OF HAVA.

(8) THE SECRETARY OF STATE SHALL PROVIDE ADEQUATE TECHNOLOGICAL SECURITY MEASURES TO PREVENT UNAUTHORIZED ACCESS TO THE COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST. The secretary of state, the department of revenue, and the ~~clerk~~ CLERK and recorders shall not sell, disclose, or otherwise release A SOCIAL SECURITY NUMBER, A DRIVER'S LICENSE OR A STATE-ISSUED IDENTIFICATION NUMBER, OR THE UNIQUE IDENTIFICATION NUMBER ASSIGNED BY THE SECRETARY OF STATE TO THE VOTER PURSUANT TO SECTION 1-2-204 (2.5) OR electronic copies of signatures created, transferred, or maintained pursuant to this section, part 1 of article 8 of this title, or section 42-1-211, C.R.S., to any individual other than the elector who created such signature absent such elector's consent; except that nothing in this subsection (8) shall prohibit the sale, disclosure, or release of an electronic copy of such signature for use by any other public entity in carrying out its functions, or the sale, disclosure, or release of a photocopied or microfilmed image of an elector's signature.

**SECTION 11.** 1-2-501 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**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:

(b.5) (I) INCLUDE:

(A) THE QUESTION: "ARE YOU A CITIZEN OF THE UNITED STATES OF AMERICA?" AND BOXES FOR THE APPLICANT TO INDICATE WHETHER THE APPLICANT IS OR IS NOT A CITIZEN OF THE UNITED STATES;

(B) THE QUESTION "WILL YOU BE EIGHTEEN YEARS OF AGE ON OR BEFORE ELECTION DAY?" AND BOXES FOR THE APPLICANT TO INDICATE WHETHER OR NOT THE APPLICANT WILL BE EIGHTEEN YEARS OF AGE OR OLDER ON ELECTION DAY;

(C) THE STATEMENT "IF YOU CHECKED 'NO' IN RESPONSE TO EITHER OF THESE QUESTIONS, DO NOT COMPLETE THIS FORM."; AND

(D) A STATEMENT INFORMING THE APPLICANT THAT, IF THE FORM IS SUBMITTED BY MAIL AND THE APPLICANT IS REGISTERING TO VOTE FOR THE FIRST TIME IN THE STATE OF COLORADO, THE APPROPRIATE INFORMATION REQUIRED UNDER SUBSECTION (2) OF THIS SECTION SHALL BE SUBMITTED WITH THE MAIL-IN REGISTRATION FORM TO AVOID THE ADDITIONAL IDENTIFICATION REQUIREMENTS IMPOSED UPON APPLICANTS VOTING FOR THE FIRST TIME IMPOSED BY SECTIONS 1-7-103, 1-7.5-107, AND 1-8-113.

(II) IF AN APPLICANT FOR REGISTRATION FAILS ON THE MAIL REGISTRATION FORM TO ANSWER THE QUESTION SPECIFIED IN SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b.5), THE STATE OR LOCAL ELECTION OFFICIAL SHALL NOTIFY THE APPLICANT OF THE FAILURE AND PROVIDE THE APPLICANT WITH AN OPPORTUNITY TO COMPLETE THE FORM IN A TIMELY MANNER TO ALLOW FOR THE COMPLETION OF THE REGISTRATION FORM PRIOR TO THE NEXT ELECTION FOR FEDERAL OFFICE.

**SECTION 12.** 1-2-501, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**1-2-501. Form for mail and agency registration - procedures for registration by mail for first time electors - additional identifying information to be provided by first-time registrants.** (2) (a) SUBJECT TO THE REQUIREMENTS OF PARAGRAPH (b) OF THIS SUBSECTION (2), IN ADDITION TO THE IDENTIFYING INFORMATION REQUIRED TO BE PROVIDED BY THE ELECTOR PURSUANT TO SUBSECTION (1) OF THIS SECTION, ANY PERSON WHO DESIRES TO REGISTER BY MAIL IN ACCORDANCE WITH THE REQUIREMENTS OF THIS PART 5 SHALL SUBMIT WITH SUCH REGISTRATION:

(I) A COPY OF IDENTIFICATION WITHIN THE MEANING OF SECTION 1-1-104 (19.5);  
OR

(II) AT LEAST THE LAST FOUR DIGITS OF THE PERSON'S SOCIAL SECURITY NUMBER.

(b) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A COLORADO DRIVER'S LICENSE NUMBER, THE NUMBER OF AN IDENTIFICATION CARD ISSUED BY THE DEPARTMENT OF REVENUE IN ACCORDANCE WITH THE REQUIREMENTS OF PART 3 OF ARTICLE 2 OF TITLE 42, C.R.S., OR THE LAST FOUR DIGITS OF THE PERSON'S SOCIAL SECURITY NUMBER SHALL ONLY BE RECEIVED IN SATISFACTION OF THE REQUIREMENTS OF THIS SUBSECTION (2) WHERE THE STATE OR LOCAL ELECTION OFFICIAL MATCHES THE NUMBER OF THE DRIVER'S LICENSE OR IDENTIFICATION CARD OR THE PERSON'S SOCIAL SECURITY NUMBER SUBMITTED UNDER PARAGRAPH (a) OF THIS SUBSECTION (2) WITH AN EXISTING STATE IDENTIFICATION RECORD BEARING THE SAME NUMBER, NAME, AND DATE OF BIRTH AS PROVIDED IN SUCH REGISTRATION INFORMATION.

**SECTION 13.** 1-2-602, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**1-2-602. Deceased electors.** (3.5) THE SECRETARY OF STATE MAY BY ELECTRONIC MEANS CANCEL THE REGISTRATION OF ANY ELECTOR WHO IS DECEASED AND OF WHOSE DEATH THE SECRETARY HAS RECEIVED NOTICE PURSUANT TO

SUBSECTION (1) OF THIS SECTION.

**SECTION 14.** 1-7-103, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**1-7-103. No voting unless eligible - first-time voters casting a ballot in person after having registered by mail to vote.** (5) (a) SUBJECT TO THE REQUIREMENTS OF SECTION 1-2-501 (2), THE REQUIREMENTS OF THIS SUBSECTION (5) SHALL APPLY TO ANY PERSON WHO HAS REGISTERED TO VOTE BY MAIL IN ACCORDANCE WITH PART 5 OF ARTICLE 2 OF THIS TITLE AND WHO:

(I) HAS NOT PREVIOUSLY VOTED IN AN ELECTION IN COLORADO; OR

(II) IS REREGISTERING TO VOTE AFTER MOVING FROM ONE COUNTY IN THIS STATE TO ANOTHER AND THE ELECTION IN WHICH THE PERSON INTENDS TO VOTE TAKES PLACE PRIOR TO THE CREATION BY THE DEPARTMENT OF STATE OF A COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST THAT SATISFIES THE REQUIREMENTS OF PART 3 OF ARTICLE 2 OF THIS TITLE.

(b) ANY PERSON WHO MATCHES EITHER OF THE DESCRIPTIONS SPECIFIED IN SUBPARAGRAPH (I) OR (II) OF PARAGRAPH (a) OF THIS SUBSECTION (5) AND INTENDS TO CAST HIS OR HER BALLOT IN PERSON SHALL PRESENT TO THE APPROPRIATE ELECTION OFFICIAL AT THE POLLING PLACE IDENTIFICATION WITHIN THE MEANING OF SECTION 1-1-104 (19.5).

(c) ANY PERSON WHO DESIRES TO CAST HIS OR HER BALLOT IN PERSON BUT DOES NOT SATISFY THE REQUIREMENTS OF PARAGRAPH (b) OF THIS SUBSECTION (2) MAY CAST A PROVISIONAL BALLOT IN ACCORDANCE WITH THE REQUIREMENTS OF PART 3 OF ARTICLE 9 OF THIS TITLE.

**SECTION 15.** 1-7.5-107, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**1-7.5-107. Procedures for conducting mail ballot election - first-time voters casting a mail ballot after having registered by mail to vote.** (3.5) (a) SUBJECT TO THE REQUIREMENTS OF SECTION 1-2-501 (2), THE REQUIREMENTS OF THIS SUBSECTION (3.5) SHALL APPLY TO ANY PERSON WHO HAS REGISTERED TO VOTE BY MAIL IN ACCORDANCE WITH PART 5 OF ARTICLE 2 OF THIS TITLE AND WHO:

(I) HAS NOT PREVIOUSLY VOTED IN AN ELECTION IN COLORADO; OR

(II) IS REREGISTERING TO VOTE AFTER MOVING FROM ONE COUNTY IN THIS STATE TO ANOTHER AND THE ELECTION IN WHICH THE PERSON INTENDS TO VOTE TAKES PLACE PRIOR TO THE CREATION BY THE DEPARTMENT OF STATE OF A COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST THAT SATISFIES THE REQUIREMENTS OF PART 3 OF ARTICLE 2 OF THIS TITLE.

(b) ANY PERSON WHO MATCHES EITHER OF THE DESCRIPTIONS SPECIFIED IN SUBPARAGRAPH (I) OR (II) OF PARAGRAPH (a) OF THIS SUBSECTION (3.5) AND INTENDS TO CAST HIS OR HER BALLOT BY MAIL IN ACCORDANCE WITH THIS ARTICLE SHALL SUBMIT WITH HIS OR HER MAIL BALLOT A COPY OF IDENTIFICATION WITHIN THE

## MEANING OF SECTION 1-1-104 (19.5).

(c) THE DESIGNATED ELECTION OFFICIAL SHALL INCLUDE WITH THE MAIL BALLOT PACKET REQUIRED BY PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION WRITTEN INSTRUCTIONS ADVISING AN ELECTOR WHO MATCHES THE DESCRIPTION SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (3.5) OF THE MANNER IN WHICH THE ELECTOR SHALL BE IN COMPLIANCE WITH THE REQUIREMENTS CONTAINED IN PARAGRAPH (a) OF THIS SUBSECTION (3.5).

(d) ANY PERSON WHO DESIRES TO CAST HIS OR HER BALLOT BY MAIL BUT DOES NOT SATISFY THE REQUIREMENTS OF PARAGRAPH (c) OF THIS SUBSECTION (3.5) MAY CAST SUCH BALLOT BY MAIL AND THE BALLOT SHALL BE TREATED AS A PROVISIONAL BALLOT IN ACCORDANCE WITH THE REQUIREMENTS OF PART 3 OF ARTICLE 9 OF THIS TITLE.

(e) THE REQUIREMENTS OF THIS SUBSECTION (3.5) SHALL BE IMPLEMENTED BY STATE AND LOCAL ELECTION OFFICIALS IN A UNIFORM AND NONDISCRIMINATORY MANNER.

(f) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE REQUIREMENTS OF THIS SUBSECTION (3.5) SHALL NOT APPLY TO ANY PERSON WHO IS:

(I) ENTITLED TO VOTE BY ABSENTEE BALLOT UNDER THE FEDERAL "UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT", 42 U.S.C. SEC. 1973ff ET SEQ.;

(II) PROVIDED THE RIGHT TO VOTE OTHERWISE THAN IN PERSON UNDER SECTION (b) (2) (B) (ii) OF THE FEDERAL "VOTING ACCESSIBILITY FOR THE ELDERLY AND HANDICAPPED ACT", 42 U.S.C. SEC. 1973ee-1; OR

(III) ENTITLED TO VOTE OTHERWISE THAN IN PERSON UNDER ANY OTHER FEDERAL LAW.

**SECTION 16.** 1-8-113, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**1-8-113. Manner of absentee voting - first-time voters casting an absentee ballot after having registered by mail to vote.** (3) (a) SUBJECT TO THE REQUIREMENTS OF SECTION 1-2-501 (2), THE REQUIREMENTS OF THIS SUBSECTION (3) SHALL APPLY TO ANY PERSON WHO HAS REGISTERED TO VOTE BY MAIL IN ACCORDANCE WITH PART 5 OF ARTICLE 2 OF THIS TITLE AND WHO:

(I) HAS NOT PREVIOUSLY VOTED IN AN ELECTION IN COLORADO; OR

(II) IS REREGISTERING TO VOTE AFTER MOVING FROM ONE COUNTY IN THIS STATE TO ANOTHER AND THE ELECTION IN WHICH THE PERSON INTENDS TO VOTE TAKES PLACE PRIOR TO THE CREATION BY THE DEPARTMENT OF STATE OF A COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST THAT SATISFIES THE REQUIREMENTS OF PART 3 OF ARTICLE 2 OF THIS TITLE.

(b) ANY PERSON WHO MATCHES EITHER OF THE DESCRIPTIONS SPECIFIED IN SUBPARAGRAPH (I) OR (II) OF PARAGRAPH (a) OF THIS SUBSECTION (3) AND INTENDS

TO CAST HIS OR HER BALLOT BY ABSENTEE BALLOT IN ACCORDANCE WITH THE REQUIREMENTS OF THIS ARTICLE SHALL SUBMIT WITH HIS OR HER ABSENTEE BALLOT A COPY OF IDENTIFICATION WITHIN THE MEANING OF SECTION 1-1-104 (19.5).

(c) THE DESIGNATED ELECTION OFFICIAL SHALL INCLUDE WITH THE ABSENTEE BALLOT WRITTEN INSTRUCTIONS ADVISING AN ELECTOR WHO MATCHES THE DESCRIPTION SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (3) OF THE MANNER IN WHICH THE ELECTOR SHALL BE IN COMPLIANCE WITH THE REQUIREMENTS CONTAINED IN PARAGRAPH (a) OF THIS SUBSECTION (3).

(d) ANY PERSON WHO DESIRES TO CAST HIS OR HER BALLOT BY ABSENTEE BALLOT BUT DOES NOT SATISFY THE REQUIREMENTS OF PARAGRAPH (b) OF THIS SUBSECTION (3) MAY CAST SUCH BALLOT BY VOTING ABSENTEE AND THE BALLOT SHALL BE TREATED AS A PROVISIONAL BALLOT IN ACCORDANCE WITH THE REQUIREMENTS OF PART 3 OF ARTICLE 9 OF THIS TITLE.

(e) THE REQUIREMENTS OF THIS SUBSECTION (3) SHALL BE IMPLEMENTED BY STATE AND LOCAL ELECTION OFFICIALS IN A UNIFORM AND NONDISCRIMINATORY MANNER.

(f) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE REQUIREMENTS OF THIS SUBSECTION (3) SHALL NOT APPLY TO ANY PERSON WHO IS:

(I) ENTITLED TO VOTE BY ABSENTEE BALLOT UNDER THE FEDERAL "UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT", 42 U.S.C. SEC. 1973ff ET SEQ.;

(II) PROVIDED THE RIGHT TO VOTE OTHERWISE THAN IN PERSON UNDER SECTION (b) (2) (B) (ii) OF THE FEDERAL "VOTING ACCESSIBILITY FOR THE ELDERLY AND HANDICAPPED ACT", 42 U.S.C. SEC. 1973ee-1 ET SEQ.; OR

(III) ENTITLED TO VOTE OTHERWISE THAN IN PERSON UNDER ANY OTHER FEDERAL LAW.

**SECTION 17.** 42-1-211 (1.5) (a), Colorado Revised Statutes, is amended, and the said 42-1-211 (1.5) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**42-1-211. Colorado state titling and registration system.** (1.5) (a) IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 1-2-302 (6.7), C.R.S., the department of revenue and the department of state shall allow for the exchange of information on residence addresses, signatures, and party affiliation between the systems used by the department of revenue, ~~and~~ the master list of registered electors maintained by the department of state, AND, NO LATER THAN JANUARY 1, 2006, THE COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST CREATED IN SECTION 1-2-301 (1), C.R.S. for the purpose of updating information in these systems.

(c) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE, AS THE OFFICIAL RESPONSIBLE FOR THE MOTOR VEHICLE BUSINESS GROUP, SHALL ENTER INTO AN AGREEMENT WITH THE FEDERAL COMMISSIONER OF SOCIAL SECURITY FOR THE PURPOSE OF VERIFYING APPLICABLE INFORMATION IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 303 (a) (5) (B) (ii) OF THE FEDERAL "HELP AMERICA VOTE ACT OF 2002", P.L. NO. 107-252.

**SECTION 18. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the department of state cash fund created in section 24-21-104 (3)(b), Colorado Revised Statutes, not otherwise appropriated, to the federal elections assistance fund created in section 1-1.5-106 (1), Colorado Revised Statutes, for the fiscal year beginning July 1, 2003, the sum of one million three hundred seventy-one thousand two hundred seventy dollars (\$1,371,270), or so much thereof as may be necessary, for the implementation of this act. In addition to said appropriation, the general assembly anticipates that, for the fiscal year beginning July 1, 2003, the department of state will receive the sum of thirty-six million seven hundred twenty-nine thousand two hundred fifty-two dollars (\$36,729,252) in federal funds under the provisions of the federal Help America Vote Act of 2002. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds in developing the state appropriation amounts.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the federal elections assistance fund created in section 1-1.5-106 (1), Colorado Revised Statutes, to the department of state, for the fiscal year beginning July 1, 2003, the sum of one million eight hundred thirty-six thousand four hundred sixty-three dollars (\$1,836,463), or so much thereof as may be necessary, for implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated, to the department of law, for the fiscal year beginning July 1, 2003, the sum of twenty-six thousand nine hundred ten dollars (\$26,910) and 0.3 FTE, or so much thereof as may be necessary, for the provision of legal services to the department of state related to implementation of this act. Such sum shall be from cash funds exempt received from the department of state out of the appropriation made in subsection (2) of this section.

(4) In addition to any other appropriation, there is hereby appropriated, to the department of public safety, for the fiscal year beginning July 1, 2003, the sum of fourteen thousand two hundred twenty dollars (\$14,220), or so much thereof as may be necessary, for the verification of voter registration information related to implementation of this act. Such sum shall be from cash funds exempt received from the department of state out of the appropriation made in subsection (2) of this section.

(5) In addition to any other appropriation, there is hereby appropriated, to the department of revenue, for the fiscal year beginning July 1, 2003, the sum of sixty-five thousand dollars (\$65,000), or so much thereof as may be necessary, for the extraction of signature information from the drivers license database related to implementation of this act. Such sum shall be from cash funds exempt received from the department of state out of the appropriation made in subsection (2) of this section.

**SECTION 19. 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 22, 2003