

CHAPTER 37

GOVERNMENT - LOCAL

HOUSE BILL 06-1143

BY REPRESENTATIVE(S) Gallegos, Borodkin, Butcher, Coleman, Frangas, Garcia, Madden, Merrifield, Ragsdale, Romanoff, Berens, Kerr, and Todd;
also SENATOR(S) Kester, Fitz-Gerald, May R., Teck, Tochtrop, Tupa, and Wiens.

AN ACT

CONCERNING THE AUTHORITY OF A COUNTY CLERK AND RECORDER TO REQUEST CRIMINAL HISTORY RECORDS FOR INDIVIDUALS WHO ASSIST IN THE PROCESS OF CONDUCTING ELECTIONS.

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

SECTION 1. Part 3 of article 72 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-72-305.6. County clerk and recorder access to criminal history records of election judges and employees. (1) A COUNTY CLERK AND RECORDER SHALL REQUEST THE CRIMINAL HISTORY RECORDS FROM THE PUBLIC WEBSITE MAINTAINED BY THE COLORADO BUREAU OF INVESTIGATION FOR ALL FULL-TIME, PART-TIME, PERMANENT, AND CONTRACT EMPLOYEES OF THE COUNTY WHO STAFF A COUNTING CENTER AND WHO HAVE ANY ACCESS TO ELECTROMECHANICAL VOTING SYSTEMS OR ELECTRONIC VOTE TABULATING EQUIPMENT. THE COUNTY CLERK AND RECORDER SHALL REQUEST THE RECORDS NOT LESS THAN ONCE EACH CALENDAR YEAR PRIOR TO THE FIRST ELECTION OF THE YEAR.

(2) A COUNTY CLERK AND RECORDER MAY REQUEST, IN HIS OR HER DISCRETION, THE CRIMINAL HISTORY RECORDS FROM THE PUBLIC WEBSITE MAINTAINED BY THE COLORADO BUREAU OF INVESTIGATION FOR AN ELECTION JUDGE SERVING IN THE COUNTY.

(3) A COUNTY CLERK AND RECORDER AUTHORIZED TO ACCESS CRIMINAL HISTORY RECORDS PURSUANT TO THIS SECTION MAY ACCESS RECORDS THAT ARE MAINTAINED BY OR WITHIN THIS STATE DIRECTLY THROUGH THE PUBLIC WEBSITE MAINTAINED BY THE COLORADO BUREAU OF INVESTIGATION. A COUNTY CLERK AND RECORDER THAT DOES NOT HAVE ACCESS OR AUTHORIZATION TO USE A CREDIT CARD FOR

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

CONDUCTING BUSINESS ON BEHALF OF THE COUNTY IN WHICH THE CLERK AND RECORDER SERVES MAY REQUEST THAT THE COUNTY SHERIFF FOR THE COUNTY ACCESS THE CRIMINAL RECORDS FROM THE PUBLIC WEBSITE MAINTAINED BY THE COLORADO BUREAU OF INVESTIGATION. CRIMINAL RECORDS SHALL NOT BE ACCESSED PURSUANT TO THIS SECTION DIRECTLY FROM THE COLORADO CRIMINAL JUSTICE COMPUTER SYSTEM OR THE NATIONAL CRIMINAL JUSTICE COMPUTER SYSTEM.

SECTION 2. 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: March 27, 2006