

CHAPTER 165

ELECTIONS

HOUSE BILL 09-1216

BY REPRESENTATIVE(S) Murray, Bradford, Court, Labuda, Looper, Middleton, Nikkel, Schafer S., Summers, Todd, Waller;
also SENATOR(S) Newell, Carroll M., Groff, Hudak, Kester, Williams.

AN ACT

CONCERNING VOTING BY ELECTORS, AND, IN CONNECTION THEREWITH, AMENDING THE ELECTION CODE TO REFLECT CHANGES BROUGHT ABOUT BY THE IMPLEMENTATION OF THE STATEWIDE VOTER REGISTRATION SYSTEM AND PERMANENT MAIL-IN VOTING.

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

SECTION 1. 1-2-216 (1), Colorado Revised Statutes, is amended to read:

1-2-216. Change of residence. (1) Any eligible elector who has moved within ~~a county~~ THE STATE may have his or her residence changed on the registration record by submitting a letter or form furnished by the county clerk and recorder, either by mail or in person. The letter or form for the change shall include the elector's new residence address, ~~within the county,~~ mailing address if different from the residence address, old address, printed name, birth date, social security number, if the elector wishes to state it, and signature and the date.

SECTION 2. 1-2-605 (5), Colorado Revised Statutes, is amended to read:

1-2-605. Canceling registration - voter information card. (5) If a mail OR MAIL-IN ballot that was mailed pursuant to the requirements of this article to 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 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 OR MAIL-IN ballot, the county clerk and recorder shall ~~mark the registration record of the elector "Canceled (insert date)";~~

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

accord with the provisions of the "Uniform Election Code of 1992".

.....
Date

.....
Signature of voter"

SECTION 7. 1-8.5-101 (3), Colorado Revised Statutes, is amended, and the said 1-8.5-101 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

1-8.5-101. Provisional ballot - entitlement to vote. (3) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (5) OF THIS SECTION, if an elector applies for AND HAS BEEN ISSUED a mail-in ballot but spoils it or otherwise does not cast it, the elector may cast a provisional ballot at the polling place OR vote center ~~or early voter's polling place~~ if the elector affirms under oath that the elector has not and will not cast the mail-in ballot. The provisional ballot shall be counted if the designated election official verifies that the elector is registered to vote and did not cast the mail-in ballot and if the elector's eligibility to vote in the county is verified pursuant to section 1-8.5-105.

(5) ANY UNAFFILIATED ELECTOR AT A PRIMARY ELECTION MAY CAST A REGULAR PARTY BALLOT UPON OPENLY DECLARING TO THE ELECTION JUDGE THE NAME OF THE POLITICAL PARTY WITH WHICH THE ELECTOR WISHES TO AFFILIATE PURSUANT TO SECTION 1-2-218.5 OR 1-7-201.

SECTION 8. 31-10-1002, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

31-10-1002. Application for absentee ballot - delivery - list. (2.5) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION, THE CLERK SHALL ALSO DELIVER, AS SOON AS PRACTICABLE AFTER THE BALLOTS ARE RECEIVED, TO EACH MUNICIPAL ELECTOR WHOSE STATUS AS A PERMANENT MAIL-IN VOTER IS INDICATED IN THE VOTER REGISTRATION RECORDS OF THE COUNTY CLERK AND RECORDER, AN OFFICIAL ABSENT VOTER'S BALLOT, AN IDENTIFICATION RETURN ENVELOPE WITH THE AFFIDAVIT THEREON PROPERLY FILLED IN AS TO PRECINCT AND RESIDENCE ADDRESS AS SHOWN BY THE RECORDS OF THE COUNTY CLERK AND RECORDER, AND AN INSTRUCTION CARD.

SECTION 9. 37-46-137 (9), Colorado Revised Statutes, is amended to read:

37-46-137. Conduct of election. (9) The district or subdistrict may provide for mail-in voters to cast their mail-in voters' ballots on voting machines expressly provided for that purpose, if each mail-in voter indicates by affidavit that he or she is qualified to vote at the election and will be a mail-in voter, pursuant to section ~~1-8-202~~ 1-8-102, C.R.S., of the "Uniform Election Code of 1992" and all laws supplemental thereto.

SECTION 10. 37-47-137 (9), Colorado Revised Statutes, is amended to read:

37-47-137. Conduct of election. (9) The district or subdistrict may provide for mail-in voters to cast their mail-in voters' ballots on voting machines expressly provided for that purpose, if each mail-in voter indicates by affidavit that he or she

is qualified to vote at the election and will be a mail-in voter, pursuant to section ~~1-8-202~~ 1-8-102, C.R.S., of the "Uniform Election Code of 1992" and all laws supplemental thereto.

SECTION 11. 37-48-179 (9), Colorado Revised Statutes, is amended to read:

37-48-179. Conduct of election. (9) The district or subdistrict may provide for mail-in voters to cast their mail-in voters' ballots on voting machines expressly provided for that purpose, if each mail-in voter indicates by affidavit that he or she is qualified to vote at the election and will be a mail-in voter, pursuant to section ~~1-8-202~~ 1-8-102, C.R.S., of the "Uniform Election Code of 1992" and all laws supplemental thereto.

SECTION 12. 37-50-128 (9), Colorado Revised Statutes, is amended to read:

37-50-128. Conduct of election. (9) The district may provide for mail-in voters to cast their mail-in voters' ballots on voting machines expressly provided for that purpose, if each mail-in voter indicates by affidavit that he or she is qualified to vote at the election and will be a mail-in voter, pursuant to section ~~1-8-202~~ 1-8-102, C.R.S.

SECTION 13. Act subject to petition - 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, (August 5, 2009, if adjournment sine die is on May 6, 2009); 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 22, 2009