

## CHAPTER 123

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**ELECTIONS**

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**SENATE BILL 11-057**

BY SENATOR(S) Harvey, Grantham;  
also REPRESENTATIVE(S) McNulty, Barker, Gerou, Holbert, Kerr J., Looper, Massey, Murray, Nikkel, Priola, Summers.

**AN ACT**

**CONCERNING THE DESIGNATION OF WHICH ELIGIBLE ELECTORS RESIDING IN A METROPOLITAN DISTRICT MUST AUTOMATICALLY RECEIVE MAIL-IN BALLOTS FROM THE DESIGNATED ELECTION OFFICIAL FOR A METROPOLITAN DISTRICT MAIL BALLOT ELECTION.**

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

**SECTION 1.** 32-1-805 (5) (b), Colorado Revised Statutes, is amended, and the said 32-1-805 (5) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

**32-1-805. Time for holding elections - type of election - manner of election - notice - permanent mail-in voters.** (5) (b) In an election conducted by the board OF A METROPOLITAN DISTRICT HAVING FEWER THAN TEN THOUSAND REGISTERED ELECTORS, the designated election official shall mail a mail-in ballot to each eligible elector on the list provided to the designated election official pursuant to paragraph (a) of this subsection (5).

(b.5) THE BOARD OF A METROPOLITAN DISTRICT HAVING TEN THOUSAND OR MORE REGISTERED ELECTORS MAY INSTRUCT THE DESIGNATED ELECTION OFFICIAL TO MAIL A MAIL-IN BALLOT TO EACH ELIGIBLE ELECTOR ON THE LIST PROVIDED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (5). ALTERNATIVELY, THE BOARD MAY CHOOSE TO INSTRUCT THE DESIGNATED ELECTION OFFICIAL TO ONLY MAIL A MAIL-IN BALLOT TO EACH ELIGIBLE ELECTOR:

(I) WHOSE NAME APPEARED ON THE LIST PROVIDED TO THE DESIGNATED ELECTION OFFICIAL PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (5) WHO RETURNED A MAIL-IN BALLOT IN ONE OF THE TWO MOST RECENT METROPOLITAN DISTRICT ELECTIONS; AND

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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.*

(II) WHO REQUESTS, EITHER IN PERSON OR IN WRITING, A MAIL-IN BALLOT FOR THE METROPOLITAN DISTRICT ELECTION.

(b.7) IF A METROPOLITAN DISTRICT CHOOSES NOT TO DELIVER A MAIL-IN BALLOT TO AN ELECTOR BECAUSE THE ELECTOR HAS NOT RETURNED A MAIL-IN BALLOT IN THE TWO MOST RECENT METROPOLITAN DISTRICT ELECTIONS AS SPECIFIED IN SUBPARAGRAPH (I) OF PARAGRAPH (b.5) OF THIS SECTION, THE METROPOLITAN DISTRICT SHALL MAIL TO THE ELECTOR BY FORWARDABLE MAIL, NO LATER THAN FORTY-FIVE DAYS BEFORE THE METROPOLITAN DISTRICT ELECTION, A POSTCARD NOTICE. THE POSTCARD NOTICE SHALL INCLUDE BUT NOT BE LIMITED TO:

(I) A STATEMENT INFORMING THE ELECTOR THAT THE ELECTOR MAY CAST A BALLOT IN PERSON AT ANY POLLING PLACE IN THE METROPOLITAN DISTRICT;

(II) A STATEMENT THAT THE ELECTOR MAY REQUEST A MAIL BALLOT FOR THE ELECTION BY CONTACTING THE DESIGNATED ELECTION OFFICIAL BY PHONE, MAIL, ELECTRONIC MAIL, OR IN PERSON;

(III) CONTACT INFORMATION FOR THE DESIGNATED ELECTION OFFICIAL INCLUDING BUT NOT LIMITED TO A PHONE NUMBER, PHYSICAL ADDRESS, AND ELECTRONIC MAIL ADDRESS; AND

(IV) THE LOCATION OF ANY POLLING PLACE WHERE AN ELECTOR MAY CAST A BALLOT IN PERSON.

**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: April 20, 2011