

CHAPTER 28

ELECTIONS

HOUSE BILL 13-1038

BY REPRESENTATIVE(S) Rosenthal, Court, Exum, Fields, Hulinghorst, Kagan, Labuda, Levy, Ryden, Salazar, Schafer, Williams, Young;
also SENATOR(S) Todd, Aguilar, Carroll, Giron, Guzman, Heath, Kefalas, Kerr, Newell, Nicholson, Schwartz, Steadman, Tochtrop, Ulibarri, Morse.

AN ACT**CONCERNING THE VOTING RIGHTS OF INDIVIDUALS IN THE CUSTODY OF THE DIVISION OF YOUTH CORRECTIONS WITHIN THE DEPARTMENT OF HUMAN SERVICES.**

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

SECTION 1. In Colorado Revised Statutes, 1-1-104, **add** (19.5) (d) as follows:

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

(19.5) (d) VERIFICATION THAT A VOTER IS A PERSON COMMITTED TO THE DEPARTMENT OF HUMAN SERVICES AND CONFINED AND ELIGIBLE TO REGISTER AND VOTE SHALL BE CONSIDERED SUFFICIENT IDENTIFICATION OF SUCH PERSON FOR THE PURPOSES OF SECTION 1-2-210.5.

SECTION 2. In Colorado Revised Statutes, **add** 1-2-210.5 as follows:

1-2-210.5. Registration of and voting by persons in custody of division of youth corrections - definitions. (1) IN THE CASE OF ANY INDIVIDUAL COMMITTED TO A JUVENILE FACILITY AND IN THE CUSTODY OF THE DIVISION OF YOUTH CORRECTIONS IN THE DEPARTMENT OF HUMAN SERVICES CREATED IN SECTION 19-2-203(1), C.R.S., WHO IS EIGHTEEN YEARS OF AGE OR OLDER ON THE DATE OF THE NEXT ELECTION, THE ADMINISTRATOR OF THE FACILITY IN WHICH THE INDIVIDUAL IS COMMITTED SHALL FACILITATE THE REGISTRATION FOR VOTING PURPOSES OF, AND VOTING BY, THE INDIVIDUAL. IN CONNECTION WITH THIS REQUIREMENT, THE ADMINISTRATOR SHALL PROVIDE THE INDIVIDUAL INFORMATION REGARDING HIS OR HER VOTING RIGHTS AND HOW THE INDIVIDUAL MAY REGISTER TO VOTE AND CAST A MAIL OR MAIL-IN BALLOT, PROVIDE THE INDIVIDUAL WITH VOTER INFORMATION MATERIALS UPON THE REQUEST OF THE INDIVIDUAL, AND ENSURE THAT ANY MAIL

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

OR MAIL-IN BALLOT CAST BY THE INDIVIDUAL IS TIMELY DELIVERED TO THE DESIGNATED ELECTION OFFICIAL.

(2) THE ADMINISTRATOR AND THE SECRETARY OF STATE SHALL POST THE TYPE OR KIND OF VERIFICATION SATISFYING THE REQUIREMENTS OF SECTION 1-1-104 (19.5) (d) IN A PROMINENT PLACE ON THE PUBLIC WEB SITES MAINTAINED BY THE DEPARTMENT OF HUMAN SERVICES AND THE SECRETARY, RESPECTIVELY. THE SECRETARY SHALL PROVIDE NOTICE TO THE COUNTY CLERK AND RECORDERS AS WELL AS OTHER DESIGNATED ELECTION OFFICIALS THROUGHOUT THE STATE THAT SUCH VERIFICATION CONSTITUTES AN ACCEPTABLE FORM OF IDENTIFICATION UNDER SECTION 1-1-104 (19.5) PERMITTING THE INDIVIDUALS POSSESSING SUCH IDENTIFICATION TO REGISTER TO VOTE AND CAST A BALLOT.

(3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN ADMINISTRATOR IS EXEMPT FROM ANY RESTRICTION UNDER LAW ON THE NUMBER OF MAIL OR MAIL-IN BALLOTS AN ELIGIBLE ELECTOR MAY DELIVER IN PERSON TO THE DESIGNATED ELECTION OFFICIAL.

(4) THE ADMINISTRATOR SHALL FORWARD APPLICATIONS MADE UNDER THIS SECTION ON A WEEKLY BASIS, OR ON A DAILY BASIS DURING THE LAST WEEK ALLOWED FOR REGISTRATION PRIOR TO ANY ELECTION, TO THE COUNTY CLERK AND RECORDER OF THE COUNTY IN WHICH THE FACILITY IS LOCATED, AND, IF THE APPLICANT RESIDES IN A DIFFERENT COUNTY FROM THE FACILITY, THE APPLICATION MUST THEN BE FORWARDED TO THE COUNTY CLERK AND RECORDER OF THE COUNTY IN WHICH THE APPLICANT RESIDES.

(5) AS USED IN THIS SECTION:

(a) "ADMINISTRATOR" MEANS THE ADMINISTRATOR, OR HIS OR HER DESIGNEE, OF THE DIVISION OF YOUTH CORRECTIONS CREATED IN SECTION 19-2-203 (1), C.R.S., A RESIDENTIAL FACILITY OPERATED BY THE DIVISION OF YOUTH CORRECTIONS, OR A RESIDENTIAL FACILITY THAT CONTRACTS WITH THE DIVISION OF YOUTH CORRECTIONS IN WHICH A PERSON COMMITTED TO THE DEPARTMENT OF HUMAN SERVICES IS CONFINED AND ELIGIBLE TO REGISTER TO VOTE AND CAST A BALLOT.

(b) (I) "VOTER INFORMATION MATERIALS" MEANS THE FOLLOWING DOCUMENTS, AS APPLICABLE TO THE ELECTION FOR WHICH THE INDIVIDUAL SEEKS TO REGISTER TO VOTE AND CAST A BALLOT:

(A) ANY FORMS USED TO REGISTER AN ELECTOR UNDER THIS PART 2;

(B) AN APPLICATION FOR A MAIL-IN BALLOT PURSUANT TO SECTION 1-8-104;

(C) A COPY OF A BALLOT INFORMATION BOOKLET DESCRIBED IN SECTION 1-40-124.5; AND

(D) ANY MAILINGS TO ELECTORS THAT ARE DESCRIBED IN SECTION 1-40-125.

(II) UPON AN ADMINISTRATOR'S WRITTEN REQUEST TO THE LEGISLATIVE COUNCIL STAFF OR A COUNTY CLERK AND RECORDER FOR COPIES OF THE DOCUMENTS SPECIFIED IN SUB-SUBPARAGRAPH (C) OR (D) OF SUBPARAGRAPH (I) OF THIS

PARAGRAPH (b), THE LEGISLATIVE COUNCIL STAFF OR COUNTY CLERK AND RECORDER, AS APPLICABLE, SHALL TIMELY PROVIDE COPIES OF THE DOCUMENTS TO THE ADMINISTRATOR IN A SUFFICIENT NUMBER TO COVER THE NUMBER OF INDIVIDUALS WHO ARE AUTHORIZED TO REGISTER AND VOTE UNDER THIS SECTION AND WHO ARE EITHER RESIDING IN THE ADMINISTRATOR'S FACILITY OR UNDER THE SUPERVISION OF THE ADMINISTRATOR'S PROGRAM.

SECTION 3. In Colorado Revised Statutes, 19-2-203, **add** (3) as follows:

19-2-203. Division of youth corrections - created - interagency agreements - duties of administrators of facilities in connection with voter registration and casting of ballots. (3) (a) THIS SUBSECTION (3) APPLIES TO ANY INDIVIDUAL COMMITTED TO A JUVENILE FACILITY AND IN THE CUSTODY OF THE DIVISION OF YOUTH CORRECTIONS WHO IS EIGHTEEN YEARS OF AGE OR OLDER ON THE DATE OF THE NEXT ELECTION.

(b) THE ADMINISTRATOR OF A FACILITY IN WHICH AN INDIVIDUAL DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3) IS COMMITTED SHALL FACILITATE THE VOTING RIGHTS OF THE INDIVIDUAL. IN CONNECTION WITH SUCH REQUIREMENTS, THE ADMINISTRATOR SHALL PROVIDE THE INDIVIDUAL INFORMATION REGARDING HIS OR HER VOTING RIGHTS AND HOW THE INDIVIDUAL MAY REGISTER TO VOTE AND CAST A MAIL OR MAIL-IN BALLOT, PROVIDE THE INDIVIDUAL WITH VOTER INFORMATION MATERIALS UPON THE REQUEST OF THE INDIVIDUAL, AND ENSURE THAT ANY MAIL OR MAIL-IN BALLOT CAST BY THE INDIVIDUAL IS TIMELY DELIVERED TO THE DESIGNATED ELECTION OFFICIAL. FOR PURPOSES OF THIS SUBSECTION (3), "ADMINISTRATOR" AND "VOTER INFORMATION MATERIALS" HAVE THE SAME MEANING AS SET FORTH IN SECTION 1-2-210.5 (5), C.R.S. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, TO SATISFY THE REQUIREMENTS OF THIS PARAGRAPH (b), THE ADMINISTRATOR IS EXEMPT FROM ANY RESTRICTION UNDER LAW ON THE NUMBER OF MAIL OR MAIL-IN BALLOTS AN ELIGIBLE ELECTOR MAY DELIVER IN PERSON TO THE DESIGNATED ELECTION OFFICIAL.

(c) THE ADMINISTRATOR AND THE SECRETARY OF STATE SHALL POST THE TYPE OR KIND OF VERIFICATION SATISFYING THE REQUIREMENTS OF SECTION 1-1-104 (19.5) (d), C.R.S., IN A PROMINENT PLACE ON THE PUBLIC WEB SITES MAINTAINED BY THE DEPARTMENT OF HUMAN SERVICES AND THE SECRETARY, RESPECTIVELY. THE SECRETARY SHALL PROVIDE NOTICE TO THE COUNTY CLERK AND RECORDERS AS WELL AS OTHER DESIGNATED ELECTION OFFICIALS THROUGHOUT THE STATE THAT SUCH VERIFICATION CONSTITUTES AN ACCEPTABLE FORM OF IDENTIFICATION UNDER SECTION 1-1-104 (19.5), C.R.S., PERMITTING THE INDIVIDUALS POSSESSING SUCH IDENTIFICATION TO REGISTER TO VOTE AND CAST A BALLOT.

(d) THE ADMINISTRATOR SHALL FORWARD APPLICATIONS MADE UNDER THIS SUBSECTION (3) ON A WEEKLY BASIS, OR ON A DAILY BASIS DURING THE LAST WEEK ALLOWED FOR REGISTRATION PRIOR TO ANY ELECTION, TO THE COUNTY CLERK AND RECORDER OF THE COUNTY IN WHICH THE FACILITY IS LOCATED, AND, IF THE APPLICANT RESIDES IN A DIFFERENT COUNTY FROM THE FACILITY, THE APPLICATION MUST THEN BE FORWARDED TO THE COUNTY CLERK AND RECORDER OF THE COUNTY IN WHICH THE APPLICANT RESIDES.

SECTION 4. 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 15, 2013