



Legislative Council Staff
Nonpartisan Services for Colorado's Legislature

Summary of Legislation 2019

Elections & Redistricting

During the 2019 legislative session, the General Assembly considered measures related to a variety of elections topics, including campaign finance, electioneering communications, lobbying disclosures, local elections, and voter registration and voting. No bills concerning redistricting were considered by the General Assembly this session.

Campaign Finance

In 2018, the U.S. District Court held that private enforcement in Colorado's campaign finance system was unconstitutional. After the ruling, the Department of State promulgated rules to address campaign finance law enforcement. *Senate Bill 19-232* codifies those rules. Specifically, the bill codifies provisions that outline procedures for complaint filing, complaint review by the Department of State's elections division, methods to cure a campaign finance law violation, investigation of unresolved complaints, conduct of hearings, and advisory opinions.

House Bill 19-1318 makes changes to the Fair Campaign Practices Act. The changes include making modifications to the laws addressing small-scale issue committees and, in particular, specifying requirements governing when these committees are required to disclose and file reports of their contributions or expenditures. The bill also broadens prohibitions against foreign actors expending money in Colorado elections. The bill requires certain organizations to provide written affirmations

when money is transferred to a person for the purpose of making an independent expenditure or electioneering communication. The written affirmations must be included when the recipient reports the independent expenditure or electioneering communication. The bill also requires disclaimers in election communications for online and other electronic media.

Senate Bill 19-229 allows a candidate committee to spend campaign contributions for reasonable and necessary childcare expenses that the candidate incurs directly in connection with his or her campaign. The committee is required to disclose these expenditures in the same manner as any other campaign expenditures.

Prior to the 2019 legislative session, campaign finance laws did not set campaign contribution limits on candidates for a county office. *House Bill 19-1007* establishes contribution limits and disclosure requirements for candidates for county commissioner, clerk and recorder, sheriff, coroner, treasurer, assessor, and surveyor. The contribution limits are set at \$1,250 from any person, \$12,500 from a small donor committee; and \$22,125 from a political party, and must be adjusted for inflation every four years by the Department of State.

Electioneering Communications

Electioneering communication means communication that unambiguously refers to a candidate and is broadcast, printed, mailed, or

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delivered by hand within 30 days of a primary election or within 60 days of a general election. *Senate Bill 19-068* changes this time frame to include communications that occur at any point between the primary election and the general election. The bill also requires any person spending \$1,000 or more per year on electioneering communications or regular biennial school electioneering communications to disclose the name of the person making the communication.

House Bill 19-1195 would have prohibited a county official who current holds a county office, including a county commissioner, county clerk and recorder, sheriff, coroner, treasurer, assessor, or surveyor, from sending a mass communication within 60 days of a primary, general, or special election at which that candidate's name appears on a ballot. The bill was postponed indefinitely by the House State, Veterans, and Military Affairs Committee, at the request of the bill sponsor.

Lobbying Disclosures

House Bill 19-1248 requires lobbyists to provide disclosure statements to the Secretary of State during a regular or special session within 72 hours of when they agree to lobby in connection with a new bill or take a new position on an existing bill for a new or existing client. The bill requires the Secretary of State to convene a working group to consider upgrades to TRACER, the electronic filing system used by lobbyists to file their disclosure reports.

Local Elections

Special districts are local governments that provide services or infrastructure to promote the health, safety, prosperity, security, and general welfare of the inhabitants of the district. Special districts conduct elections for their board members, tax and bond questions, and other matters pursuant to law.

House Bill 19-1108 would have expanded the definition of eligible elector in a special district election, allowing a special district, upon passage of a resolution, to permit individuals who do not reside in Colorado to vote in certain special district elections if they own property in the special district. The bill would have also allowed special district boards to select additional non-voting board members by a majority vote. These board members could not have resided in the state, but must have been eligible to vote in certain special district elections. The bill was postponed indefinitely by the Senate State, Veterans, and Military Affairs Committee.

Voting and Voter Registration

Senate Bill 19-042 enters Colorado into an agreement among the states to elect the president by national popular vote. The agreement becomes binding on member states once states with the majority of electoral votes ratify the agreement. Under the agreement, presidential electors in Colorado are bound to support the winner of the national popular vote. The bill specifies the terms for states to withdraw from the agreement, and the process that must be undertaken by election officials to determine the national popular vote total and certify the national popular vote winner. This agreement terminates if the Electoral College is abolished.

House Bill 19-1278 makes several changes to the "Uniform Election Code of 1992," including changes to voter registration procedures, party filing requirements, procedures for curing ballots, provisional ballots, and other technical changes. Among its many provisions, the bill does the following:

- specifies the elements that must be included in a county's election plan for mail ballot elections;

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- changes the requirements and hours for drop boxes and voter service and polling centers (VSPCs), and includes a provision allowing counties to apply for a waiver of drop box requirements for the 2020 general election;
- requires counties to locate some VSPCs on higher education campuses;
- creates a process by which an individual may seek a court order to keep polling places open past the regular closing time on election day when access to a polling location has been substantially impaired;
- changes the number of signatures required to place candidates for various offices on the ballot by petition;
- makes numerous changes to the regulation and enforcement of candidate nominating petitions;
- allows preregistered 17-year-olds to participate in primary elections and caucuses if they will be 18 years of age by the date of the next general election;
- allows a voter who does not reside in a county but wishes to vote at a polling location in that county to receive a mail ballot that contains the names of statewide federal and state offices and statewide ballot issues and questions; and
- creates the Local Elections Assistance Cash Fund to reimburse counties for the one-time purchase of voting equipment necessary to fulfill the requirements of the bill, and allows up to \$350,000 in federal Help America Vote Act funds to be used for this equipment reimbursement.

Senate Bill 19-235 requires the Department of Revenue, the Department of Health Care Policy and Financing, and the Department of Human Services to transfer records electronically to the Department of State in order to register voters. If the individual provided documentation of citizenship, the elector's county clerk and recorder reviews the record for completeness and sends the elector a notice advising that the

elector has been registered to vote. The elector can return the notice to either decline to be registered or affiliate with a party. If the elector does not decline to be registered within 20 days after the notice is mailed and the form is not returned as undeliverable, the elector is registered to vote. The bill creates a process for electors who are registered through one of these state departments to provide a signature for verification if they return a ballot in an election but a copy of their signature is not found in the statewide voter registration system.

Senate Bill 19-202 requires the Secretary of State to establish procedures to enable voters with disabilities to independently and privately vote in a mail ballot elections by marking a ballot or using an electronic voting device that produces a paper record, using nonvisual access, low-vision access, or other assistive technology.

Prior to the 2019 legislative session, a person serving parole could preregister to vote, but was prohibited from registering to vote and from voting in any election. *House Bill 19-1266* defines the terms "term of imprisonment" and "full term of imprisonment" to not include parole, thereby allowing an individual on parole to register to vote and to vote in any election. The Division of Adult Parole in the Department of Corrections must notify parolees of their voting rights, how to register to vote or update their registration, and how to obtain a ballot and other voter information materials. The bill also repeals existing statutory provisions allowing parolees to preregister to vote.

House Bill 19-1243 would have allowed 16- and 17-year-olds who were preregistered to vote in elections related to education, including elections for the state board of education, school district officers, and on referred measures regarding mill levies, property taxes, school district organization, school district organization plans, and school district financial

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obligations or indebtedness. It would have also allowed preregistrants to circulate and sign petitions to nominate or recall a school district officer. The bill was postponed indefinitely by the House State, Veterans, and Military Affairs Committee.

House Bill 19-1156 would have modified the requirements for registering to vote at a VSPC immediately prior to or on election day by adding the requirement that the registering person provide documentation that establishes both his or her identity and citizenship. The bill specified the acceptable documents for providing proof of identity and citizenship. The bill was postponed indefinitely by the House State, Veterans, and Military Affairs Committee.