

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 15-1044.01 Bob Lackner x4350

SENATE BILL 15-273

SENATE SPONSORSHIP

Lundberg and Woods,

HOUSE SPONSORSHIP

(None),

Senate Committees

State, Veterans, & Military Affairs
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE ABILITY OF AN ELECTOR TO OPT OUT OF RECEIVING**
102 **BALLOTS BY MAIL, AND, IN CONNECTION THEREWITH, MAKING**
103 **AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills summaries>.)

Current law requires that all elections conducted under the "Uniform Election Code of 1992" be conducted by mail ballots.

Section 1 of the bill requires the electronic form used to register a prospective elector to include a place for the elector to indicate his or her choice for all future elections between casting a ballot in person at a

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

voter service and polling center and casting a mail ballot. The bill requires the county clerk and recorder (clerk) to record the elector's preference in the centralized statewide registration system if the change in preference is complete.

The bill specifies procedures to allow the elector to use the electronic form to change his or her preference to receive mail ballots again.

This section of the bill also requires the electronic form used by a registered elector to make changes in their residence or partisan affiliation status to allow such an elector to opt out of receiving mail ballots. In lieu of submitting a written request to opt out of receiving mail ballots as permitted under the bill, the bill allows a registered elector to use the electronic form to opt out of receiving mail ballots for all future elections. A change in preference concerning mail ballots applies to an election if the elector completes the registration form for such purposes at least 60 days before the date of the election.

Section 2 of the bill requires a prospective elector to be asked, as part of the standard list of questions he or she answers when first registering to vote, whether the elector chooses for all future elections to cast a ballot in person at a voter service and polling center or by means of a mail ballot.

Section 3 of the bill allows a registered elector to opt out of receiving mail ballots by submitting a written request at least 60 days prior to the election to his or her clerk on an official form. The bill requires the clerk to record the elector's preference in the centralized statewide registration system if the change in preference is complete. The bill establishes similar procedures if an elector chooses to change his or her preference to receive mail ballots again.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-2-202.5, **add** (3)
3 (f) and (7.5) as follows:

4 **1-2-202.5. On-line voter registration - on-line changes in**
5 **elector information.** (3) The electronic voter registration form must
6 include:

7 (f) A PLACE FOR THE ELECTOR TO INDICATE HIS OR HER CHOICE FOR
8 ALL FUTURE ELECTIONS BETWEEN CASTING A BALLOT IN PERSON AT A
9 VOTER SERVICE AND POLLING CENTER OR CASTING A MAIL BALLOT.

1 (7.5) (a) THE ELECTRONIC FORM AUTHORIZED BY SUBSECTION (4)
2 OF THIS SECTION MUST ALLOW A REGISTERED ELECTOR TO OPT OUT OF
3 RECEIVING MAIL BALLOTS. IN LIEU OF SUBMITTING A WRITTEN REQUEST TO
4 OPT OUT OF RECEIVING MAIL BALLOTS PURSUANT TO SECTION 1-7.5-107
5 (3) (a) (III), A REGISTERED ELECTOR MAY USE THE ELECTRONIC FORM
6 AUTHORIZED BY THIS SECTION TO OPT OUT OF RECEIVING SUCH MAIL
7 BALLOTS FOR ALL FUTURE ELECTIONS. THE ELECTRONIC FORM MUST HAVE
8 A PLACE FOR THE ELECTOR TO ACKNOWLEDGE HIS OR HER
9 UNDERSTANDING THAT, BY OPTING OUT OF RECEIVING MAIL BALLOTS, HE
10 OR SHE WILL NOT BE RECEIVING A MAIL BALLOT AT ANY FUTURE ELECTION
11 UNLESS THE ELECTOR UPDATES HIS OR HER REGISTRATION RECORDS TO
12 INDICATE A PREFERENCE FOR RECEIVING MAIL BALLOTS. A CHANGE IN
13 PREFERENCE CONCERNING MAIL BALLOTS APPLIES TO AN ELECTION IF THE
14 ELECTOR COMPLETES THE REGISTRATION FORM FOR SUCH PURPOSES AT
15 LEAST SIXTY DAYS BEFORE THE DATE OF THE ELECTION.

16 (b) THE COUNTY CLERK AND RECORDER SHALL DETERMINE IF A
17 CHANGE OF PREFERENCE SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION
18 (7.5) IS COMPLETE AND, IF SO, SHALL RECORD THE ELECTOR'S PREFERENCE
19 IN THE CENTRALIZED STATEWIDE REGISTRATION SYSTEM MAINTAINED
20 PURSUANT TO SECTION 1-2-301.

21 (c) AN ELECTOR WHO, PURSUANT TO PARAGRAPH (a) OF THIS
22 SUBSECTION (7.5), OPTS OUT OF RECEIVING MAIL BALLOTS MAY CHANGE
23 HIS OR HER PREFERENCE TO RECEIVE MAIL BALLOTS AGAIN BY USING THE
24 ELECTRONIC FORM TO CHANGE HIS OR HER PREFERENCE AT LEAST SIXTY
25 DAYS PRIOR TO THE DATE OF THE ELECTION. THE COUNTY CLERK AND
26 RECORDER SHALL DETERMINE IF THE ELECTOR'S REQUEST IS COMPLETE
27 AND, IF SO, SHALL RECORD THE ELECTOR'S PREFERENCE IN THE

1 CENTRALIZED STATEWIDE REGISTRATION SYSTEM MAINTAINED PURSUANT
2 TO SECTION 1-2-301.

3 (d) NOTHING IN THIS SECTION PRECLUDES AN ELECTOR WHO HAS
4 RECEIVED A MAIL BALLOT FROM CASTING A VOTE IN PERSON AT A VOTER
5 SERVICE AND POLLING CENTER. ANY ELECTOR MAY APPEAR AT THE OFFICE
6 OF THE CLERK AND RECORDER OF THE COUNTY OR AT A VOTER SERVICE
7 AND POLLING CENTER AND REQUEST A MAIL BALLOT LESS THAN
8 TWENTY-TWO DAYS BEFORE THE DATE OF THE ELECTION.

9 **SECTION 2.** In Colorado Revised Statutes, 1-2-204, **add** (2)
10 (k.5) as follows:

11 **1-2-204. Questions answered by elector - rules.** (2) In addition,
12 each eligible elector shall be asked, and the elector shall correctly answer,
13 the following:

14 (k.5) WHETHER THE ELECTOR CHOOSES FOR ALL FUTURE
15 ELECTIONS TO CAST A BALLOT IN PERSON AT A VOTER SERVICE AND
16 POLLING CENTER OR BY MEANS OF A MAIL BALLOT.

17
18 **SECTION 3. Appropriation.** (1) For the 2015-16 state fiscal
19 year, \$62,200 is appropriated to the department of state. This
20 appropriation is from the department of state cash fund created in section
21 24-21-104 (3) (b), C.R.S. To implement this act, the department may use
22 this appropriation as follows:

23 (a) \$41,200 for personal services in the information technology
24 services division; and

25 (b) \$21,000 for operating expenses in the elections division.

26 (2) For the 2015-16 state fiscal year, \$56,789 is appropriated to
27 the department of revenue for use by the division of motor vehicles. This

1 appropriation is from the general fund. To implement this act, the division
2 may use this appropriation for operating expenses related to the driver
3 services section.

4 (3) For the 2015-16 state fiscal year, \$16,789 is appropriated to
5 the office of the governor for use by the office of information technology.
6 This appropriation is from reappropriated funds received from the
7 department of revenue under subsection (2) of this section. To implement
8 this act, the office may use this appropriation to provide information
9 technology services to the department of revenue.

10 **SECTION 4. Act subject to petition - effective date -**
11 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
12 the expiration of the ninety-day period after final adjournment of the
13 general assembly (August 5, 2015, if adjournment sine die is on May 6,
14 2015); except that, if a referendum petition is filed pursuant to section 1
15 (3) of article V of the state constitution against this act or an item, section,
16 or part of this act within such period, then the act, item, section, or part
17 will not take effect unless approved by the people at the general election
18 to be held in November 2016 and, in such case, will take effect on the
19 date of the official declaration of the vote thereon by the governor.

20 (2) This act applies to elections conducted on or after the
21 applicable effective date of this act.