

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 15-1049.01 Bob Lackner x4350

SENATE BILL 15-277

SENATE SPONSORSHIP

Woods and Lundberg, Neville T.

HOUSE SPONSORSHIP

(None),

Senate Committees

State, Veterans, & Military Affairs
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING PROCEDURES TO PROMOTE THE ACCURACY OF VOTER**
102 **REGISTRATION INFORMATION, AND, IN CONNECTION**
103 **THEREWITH, MAKING 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>.)

To the extent permitted by interstate compacts providing access across state boundaries to voter registration information, commencing February 1, 2016, and not later than February 1 of each succeeding year thereafter, the bill requires the secretary of state (secretary) to check the voter registration information of each elector whose name appears in the

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.*

statewide voter registration system against the most recent information maintained for any such elector:

- ! In the national change of address database; and
- ! In the database of the division of motor vehicles in the department of revenue.

If the examination of voter registration information obtained by the secretary reveals any discrepancy between the registration information for a particular elector contained in the statewide voter registration system and the most recent information pertaining to that elector in either of the databases searched, or, if the elector's name does not appear in either database, the bill requires the secretary to promptly transmit information about the discrepancy to the appropriate county clerk and recorder (clerk).

Upon receiving information from the secretary that reveals a discrepancy pertaining to a particular elector, the bill requires the appropriate clerk to send the elector a letter with a requirement that the elector provide verification of his or her identification. Submission by the elector either by return letter or in person of a form of government-issued identification that contains a photograph of the elector establishes verification for purposes of the bill.

If the elector either fails to respond to the letter or fails to submit a form of government-issued identification with a photograph of the elector, the bill requires the clerk to mark the elector's registration record "Inactive".

Not later than June 1, 2016, and by June 1 of each succeeding year thereafter, the bill requires the secretary to submit a report to the executive committee of the general assembly that summarizes the compliance of his or her office in meeting the requirements of the bill. In the report, the secretary shall summarize the information provided to the secretary by the clerks that pertains to the clerks' compliance with the bill. The bill specifies other required components of the secretary's report.

Not later than May 1, 2016, and by May 1 of each year thereafter, the bill requires each clerk to submit to the secretary a report that summarizes the compliance of his or her office in meeting the requirements of the bill for inclusion in the secretary's report.

The bill also expresses the encouragement of the general assembly that the secretary reach an agreement with his or her counterparts in other states in entering into interstate compacts to provide for the sharing of voter registration information across state boundaries.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 1-2-306 as
3 follows:

1 **1-2-306. Annual review by secretary of state of accuracy of**
2 **voter registration information - procedures for addressing**
3 **discrepancies - reports to the secretary and the general assembly -**
4 **encouragement by general assembly.** (1) TO THE EXTENT PERMITTED
5 BY INTERSTATE COMPACTS PROVIDING ACCESS ACROSS STATE BOUNDARIES
6 TO VOTER REGISTRATION INFORMATION, COMMENCING FEBRUARY 1, 2016,
7 AND NOT LATER THAN FEBRUARY 1 OF EACH SUCCEEDING YEAR
8 THEREAFTER, THE SECRETARY OF STATE SHALL CHECK THE VOTER
9 REGISTRATION INFORMATION OF EACH ELECTOR WHOSE NAME APPEARS IN
10 THE STATEWIDE VOTER REGISTRATION SYSTEM CREATED IN SECTION
11 1-2-301 AGAINST THE MOST RECENT INFORMATION MAINTAINED FOR ANY
12 SUCH ELECTOR:

13 (a) IN THE NATIONAL CHANGE OF ADDRESS DATABASE
14 ADMINISTERED BY THE UNITED STATE POSTAL SERVICE; AND

15 (b) IN THE DATABASE OF THE DIVISION OF MOTOR VEHICLES IN THE
16 DEPARTMENT OF REVENUE.

17 (2) IF THE EXAMINATION OF VOTER REGISTRATION INFORMATION
18 OBTAINED BY THE SECRETARY OF STATE UNDER SUBSECTION (1) OF THIS
19 SECTION REVEALS ANY MATERIAL DISCREPANCY BETWEEN THE
20 REGISTRATION INFORMATION FOR A PARTICULAR ELECTOR CONTAINED IN
21 THE STATEWIDE VOTER REGISTRATION SYSTEM AND THE MOST RECENT
22 INFORMATION PERTAINING TO THAT ELECTOR IN THE NATIONAL CHANGE
23 OF ADDRESS DATABASE OR THE DATABASE OF THE DIVISION OF MOTOR
24 VEHICLES IN THE DEPARTMENT OF REVENUE, OR, IF THE ELECTOR'S NAME
25 DOES NOT APPEAR IN EITHER DATABASE, THE SECRETARY OF STATE SHALL
26 PROMPTLY TRANSMIT INFORMATION ABOUT THE DISCREPANCY TO THE
27 APPROPRIATE COUNTY CLERK AND RECORDER.

1 (3) (a) UPON RECEIVING INFORMATION FROM THE SECRETARY OF
2 STATE PURSUANT TO SUBSECTION (2) OF THIS SECTION THAT REVEALS A
3 DISCREPANCY BETWEEN THE REGISTRATION INFORMATION FOR A
4 PARTICULAR ELECTOR CONTAINED IN THE STATEWIDE VOTER
5 REGISTRATION SYSTEM AND THE MOST RECENT INFORMATION PERTAINING
6 TO THAT ELECTOR IN EITHER OF THE RELEVANT DATABASES, THE
7 APPROPRIATE COUNTY CLERK AND RECORDER SHALL SEND THE ELECTOR
8 A LETTER WITH A REQUIREMENT THAT THE ELECTOR PROVIDE
9 VERIFICATION OF HIS OR HER IDENTIFICATION. SUBMISSION BY THE
10 ELECTOR EITHER BY RETURN LETTER OR IN PERSON OF A FORM OF
11 GOVERNMENT-ISSUED IDENTIFICATION REFERENCED IN SECTION 1-1-104
12 (19.5) (a) _____ ESTABLISHES VERIFICATION FOR PURPOSES OF THIS
13 SUBSECTION (3).

14 (b) IF THE ELECTOR EITHER FAILS TO RESPOND TO THE LETTER
15 REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (3) OR FAILS TO SUBMIT
16 A FORM OF IDENTIFICATION THAT SATISFIES THE REQUIREMENTS OF SAID
17 PARAGRAPH (a), THE COUNTY CLERK AND RECORDER SHALL MARK THE
18 ELECTOR'S REGISTRATION RECORD "ID REQUIRED" AND SHALL REQUIRE
19 THAT THE ELECTOR SUBMIT A COPY OF IDENTIFICATION AS DEFINED IN
20 SECTION 1-1-104 (19.5) (a) WITH THE ELECTOR'S MAIL BALLOT AT THE
21 NEXT ELECTION IN ACCORDANCE WITH PARAGRAPH (c) OF THIS
22 SUBSECTION (3). IF THE ELECTOR SUBSEQUENTLY FAILS TO VOTE IN TWO
23 CONSECUTIVE GENERAL ELECTIONS, THE COUNTY CLERK AND RECORDER
24 SHALL CANCEL THE ELECTOR'S REGISTRATION RECORD IN ACCORDANCE
25 WITH SECTION 1-2-605 (7).

26 (c) THE COUNTY CLERK AND RECORDER OR DESIGNATED ELECTION
27 OFFICIAL SHALL INCLUDE WITH THE MAIL BALLOT PACKET WRITTEN

1 INSTRUCTIONS ADVISING AN ELECTOR WHO MATCHES THE DESCRIPTION
2 SPECIFIED IN PARAGRAPH (b) OF THE SUBSECTION (3) OF THE MANNER IN
3 WHICH THE ELECTOR MUST PROVIDE VERIFICATION OF HIS OR HER
4 IDENTIFICATION.

5 (d) ANY PERSON WHO DESIRES TO CAST HIS OR HER BALLOT BY
6 MAIL BUT DOES NOT SATISFY THE REQUIREMENTS OF PARAGRAPH (c) OF
7 THIS SUBSECTION (3) MAY CAST SUCH BALLOT BY MAIL. THE COUNTY
8 CLERK AND RECORDER OR DESIGNATED ELECTION OFFICIAL SHALL, WITHIN
9 THREE DAYS AFTER THE DATE OF RECEIPT OF A MAIL BALLOT THAT DOES
10 NOT CONTAIN A COPY OF IDENTIFICATION AS DEFINED IN SECTION 1-1-104
11 (19.5) (a) BUT IN NO EVENT LATER THAN TWO DAYS AFTER ELECTION DAY,
12 SEND TO THE ELIGIBLE ELECTOR AT THE ADDRESS INDICATED ON THE
13 REGISTRATION RECORDS A LETTER EXPLAINING THE REQUIREMENTS
14 PERTAINING TO VERIFICATION OF IDENTIFICATION. IF THE COUNTY CLERK
15 AND RECORDER OR DESIGNATED ELECTION OFFICIAL RECEIVES FROM THE
16 ELECTOR A COPY OF IDENTIFICATION IN COMPLIANCE WITH PARAGRAPH (b)
17 OF THIS SUBSECTION (3) WITHIN EIGHT DAYS AFTER ELECTION DAY, AND
18 THE MAIL BALLOT IS OTHERWISE VALID, THE MAIL BALLOT MUST BE
19 COUNTED.

20 (4) (a) NOT LATER THAN SEPTEMBER 1, 2016, AND BY SEPTEMBER
21 1 OF EACH SUCCEEDING YEAR THEREAFTER, THE SECRETARY OF STATE
22 SHALL SUBMIT A REPORT TO THE EXECUTIVE COMMITTEE OF THE GENERAL
23 ASSEMBLY THAT SUMMARIZES THE COMPLIANCE OF HIS OR HER OFFICE IN
24 MEETING THE REQUIREMENTS OF THIS SECTION. IN THE REPORT, THE
25 SECRETARY SHALL SUMMARIZE THE INFORMATION PROVIDED TO THE
26 SECRETARY BY THE COUNTY CLERK AND RECORDERS PURSUANT TO
27 PARAGRAPH (b) OF THIS SUBSECTION (4). THE SECRETARY OF STATE SHALL

1 ALSO INCLUDE IN THE REPORT ANY RECOMMENDATIONS HE OR SHE HAS
2 FOR MAKING MODIFICATIONS TO STATUTORY PROVISIONS OR RULES OR
3 OTHER PROCEDURES GOVERNING VOTER REGISTRATION TO IMPROVE THE
4 ACCURACY AND RELIABILITY OF THE INFORMATION IN THE STATEWIDE
5 VOTER REGISTRATION SYSTEM.

6 (b) NOT LATER THAN MAY 1, 2016, AND BY MAY 1 OF EACH YEAR
7 THEREAFTER, EACH COUNTY CLERK AND RECORDER SHALL SUBMIT TO THE
8 SECRETARY OF STATE A REPORT THAT SUMMARIZES THE COMPLIANCE OF
9 HIS OR HER OFFICE IN MEETING THE REQUIREMENTS OF THIS SECTION. THE
10 INFORMATION PROVIDED BY THE COUNTY CLERK AND RECORDERS
11 PURSUANT TO THIS PARAGRAPH (b) MUST BE USED BY THE SECRETARY OF
12 STATE IN CONNECTION WITH THE REPORT THE SECRETARY PREPARES
13 UNDER PARAGRAPH (a) OF THIS SUBSECTION (4).

14 (5) THE GENERAL ASSEMBLY HEREBY ENCOURAGES THE
15 SECRETARY OF STATE TO REACH AN AGREEMENT WITH HIS OR HER
16 COUNTERPARTS IN OTHER STATES IN ENTERING INTO INTERSTATE
17 COMPACTS TO PROVIDE FOR THE SHARING OF VOTER REGISTRATION
18 INFORMATION ACROSS STATE BOUNDARIES IN THE INTERESTS OF
19 FURTHERING THE INTENT OF THE GENERAL ASSEMBLY IN ENACTING THIS
20 SECTION.

21 **SECTION 2. Appropriation.** For the 2015-16 state fiscal year,
22 \$150,000 is appropriated to the department of state for use by the
23 information technology services division. This appropriation is from the
24 department of state cash fund created in section 24-21-104 (3) (b), C.R.S.
25 To implement this act, the division may use this appropriation for
26 personal services.

27 **SECTION 3. Act subject to petition - effective date.** This act

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