

Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0596.01 Alison Killen x4350

**SENATE BILL 26-058**

**SENATE SPONSORSHIP**

**Zamora Wilson,**

**HOUSE SPONSORSHIP**

**(None),**

---

**Senate Committees**  
State, Veterans, & Military Affairs

**House Committees**

---

**A BILL FOR AN ACT**

101     **CONCERNING MODIFICATIONS TO VOTER REGISTRATION, AND, IN**  
102         **CONNECTION THEREWITH, ELIMINATING THE AUTOMATIC**  
103         **VOTER REGISTRATION PROVISIONS FOR DEFAULT REGISTRATION**  
104         **OF ELECTORS AS UNAFFILIATED VOTERS AND REQUIRING THE**  
105         **REGISTRATION RECORDS OF ELECTORS WHO FAIL TO VOTE IN**  
106         **TWO CONSECUTIVE GENERAL ELECTIONS TO BE MARKED**  
107         **INACTIVE.**

---

**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://leg.colorado.gov>.)*

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.

The bill modifies the automatic voter registration process by replacing the default registration or preregistration of a person who applies for a driver's license or identification card as an unaffiliated voter with a pending registration or preregistration status (pending status). Only a person who has affirmatively chosen to be an unaffiliated voter is registered or preregistered as such. The pending status applies to a potential voter whose intent to register or preregister or whose party affiliation is unknown or pending due to a need for further information or a failure to respond.

A pending voter registration or preregistration record created through existing processes may be finalized if the person affirms their intent to register or preregister, provides their desired party affiliation or identification as unaffiliated, and self-affirms their qualifications in the form required for all registrations to be complete. If a notice seeking such information is returned as undeliverable within 20 days, the pending registration or preregistration is canceled. After 20 days, an undeliverable pending registration or preregistration is marked "inactive". If a notice is not returned at all, or a person's response is incomplete, their pending registration or preregistration is marked "inactive". If a person subsequently votes in an election, their "inactive" pending registration or preregistration becomes an active voter registration record.

A county clerk and recorder may, in their discretion, provide notice of an "inactive" pending registration or preregistration record and further attempt to finalize the pending registration or preregistration.

The bill also adds a requirement for county clerk and recorders to mark a voter's registration as "inactive" if they fail to vote in 2 consecutive general elections held in even-numbered years.

---

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

2           **SECTION 1. Legislative declaration.**

3           (1) The general assembly finds and declares that:

4           (a) Colorado's automatic voter registration (AVR) program has  
5           successfully registered hundreds of thousands of new voters through the  
6           department of revenue and other voter registration agencies;

7           (b) Currently, an elector whose voter registration is initiated  
8           through AVR is by default registered, or preregistered, as "unaffiliated",  
9           without the elector's declaration of affiliation or self-affirmation of

1 qualifications;

2 (c) Many electors incorrectly believe that the state has actively  
3 identified them as "unaffiliated" voters and express confusion, frustration,  
4 and distrust regarding this default classification while working with their  
5 county clerk and recorder to change their voter registration records;

6 (d) The AVR system's "unaffiliated" default also creates an  
7 administrative burden for county clerks and recorders who assist electors  
8 in correcting the elector's affiliation on their voter registration records;

9 (e) Establishing a pending voter registration status in the AVR  
10 system clarifies that further action and affirmative elector input is  
11 required to complete their voter registration record, including declaration  
12 of party affiliation or identification as unaffiliated; and

13 (f) Modifying AVR to clearly identify and properly process  
14 pending voter registration records increases system transparency, builds  
15 trust with participants, improves the accuracy of voter registration  
16 records, and gives county clerks and recorders direction for further  
17 outreach to potential voters.

18 (2) The general assembly further finds and declares that:

19 (a) There are over one hundred thousands electors in Colorado  
20 with "active" voter registration records but who have not voted in at least  
21 two consecutive general elections held in even-numbered years; and

22 (b) Changing the status of these electors to "inactive" is a  
23 cost-saving measure that will save taxpayers millions of dollars in  
24 election-related expenses.

25 **SECTION 2.** In Colorado Revised Statutes, 1-2-213.3, **amend**  
26 (1)(b), (2), (3), (4), (5), (6), (7), and (8) as follows:

27 **1-2-213.3. Transfer of new voter registration records from**

1       **department of revenue.**

2           (1) (b) The department of revenue shall continue to offer any  
3       person not ~~registered~~ PENDING REGISTRATION to vote pursuant to  
4       subsection (2) of this section an opportunity to register to vote pursuant  
5       to section 1-2-213, unless they have provided documentation  
6       demonstrating a lack of United States citizenship.

7           (2) Upon receiving an electronic record for ~~an individual~~ A  
8       PERSON who provided documentation that confirmed ~~his or her~~ THEIR  
9       citizenship and contains the minimum information to PROCEED TO register  
10       OR PREREGISTER the ~~individual~~ PERSON to vote, the secretary of state shall  
11       provide the PENDING VOTER REGISTRATION information to the county  
12       clerk and recorder of the county in which the person resides. Upon receipt  
13       of a PENDING VOTER REGISTRATION record, the county clerk and recorder  
14       shall determine if the record is complete for the purposes of FINALIZING  
15       THE PENDING voter registration OR PREREGISTRATION.

16           (3) If the record is complete for purposes of FINALIZING PENDING  
17       voter registration or preregistration, the county clerk and recorder shall  
18       send to the person's address of record, by nonforwardable mail:

19           (a) If the record is for an eligible elector, notice that ~~the elector~~  
20       ~~has been registered to vote~~ VOTER REGISTRATION IS PENDING and a  
21       postage paid pre-addressed return form by which the ~~elector~~ PERSON may:

22           (I) Decline to be registered as an elector; or

23           (II) Affiliate with a political party OR IDENTIFY AS UNAFFILIATED  
24       WITH ANY POLITICAL PARTY AND SIGN A SELF-AFFIRMATION IN THE FORM  
25       REQUIRED BY SECTION 1-2-205; and

26           (b) If the record is for a person eligible to preregister under  
27       section 1-2-101 (2), notice that ~~the person has been preregistered and will~~

1        ~~be automatically registered~~ PREREGISTRATION AND AUTOMATIC  
2        REGISTRATION upon turning eighteen years ~~of age~~ OLD IS PENDING, and a  
3        postage paid preaddressed return form by which the person may:

4                (I) Decline to be preregistered OR AUTOMATICALLY REGISTERED;  
5        or

6                (II) Affiliate with a political party OR IDENTIFY AS UNAFFILIATED  
7        WITH ANY POLITICAL PARTY AND SIGN A SELF-AFFIRMATION IN THE FORM  
8        REQUIRED BY SECTION 1-2-205.

9                (4) If the record is not complete FOR PURPOSES OF FINALIZING  
10      PENDING VOTER REGISTRATION OR PREREGISTRATION, the county clerk and  
11      recorder shall send to the person's address of record, by nonforwardable  
12      mail, notice that the person has not been registered or preregistered to  
13      vote and stating the additional information required to register or  
14      preregister, INCLUDING ANY INFORMATION REQUIRED BY SECTION 1-2-204  
15      AND A SIGNED SELF-AFFIRMATION IN THE FORM REQUIRED BY SECTION  
16      1-2-205. If the person provides the additional information, the person is  
17      registered or preregistered to vote effective as of the date of the person's  
18      application with the department of revenue. If the person does not provide  
19      the additional information necessary to make ~~his or her application~~ THE  
20      PENDING VOTER REGISTRATION INFORMATION complete and accurate  
21      within twenty-four months after the notification is mailed pursuant to this  
22      subsection (4), the person's PENDING registration OR PREREGISTRATION  
23      PURSUANT TO SUBSECTION (2) OF THIS SECTION is canceled.

24                (5) A notice mailed under subsection (3) OR (4) of this section  
25      must include an explanation, in both English and Spanish, of the  
26      eligibility requirements to register or preregister to vote, and a statement  
27      that, if the person is not eligible, the person should decline to register OR

1 PREREGISTER using the preaddressed return form.

2 (6) The notice provided under subsection (3) OR (4) of this section  
3 must include a statement that, if the person declines to register or  
4 preregister to vote, the fact that the person has declined will remain  
5 confidential and will be used only for voter registration statistics  
6 purposes, and a statement that, if a person ~~remains~~ IS registered or  
7 preregistered to vote, the office at which the person was registered or  
8 preregistered will remain confidential and will be used only for voter  
9 registration statistics purposes.

10 (7) (a) (I) If a notice provided under subsections (3) ~~and~~ OR (4) of  
11 this section is returned as undeliverable within twenty days after the  
12 county clerk and recorder mails the notice, the person's PENDING  
13 registration or preregistration is canceled and the person is deemed to  
14 have never registered or preregistered. If the notice is returned as  
15 undeliverable after twenty days after the county clerk and recorder mails  
16 the notice, the person's PENDING registration or preregistration is marked  
17 inactive.

18 (II) Notwithstanding subsection (7)(a)(I) of this section, if a  
19 person votes in an election after the transfer of the person's record  
20 PURSUANT TO SUBSECTION (1) OF THIS SECTION but before the notice is  
21 returned as undeliverable, the person's PENDING registration shall not be  
22 canceled or marked inactive.

23 (b) If a notice provided under subsection (3) of this section is not  
24 returned within twenty days, the ~~person is registered or preregistered as~~  
25 ~~of the date of the person's application at the department of revenue and~~  
26 ~~the person shall be marked as unaffiliated~~ PERSON'S PENDING  
27 REGISTRATION OR PREREGISTRATION IS MARKED INACTIVE. THE COUNTY

1 CLERK AND RECORDER MAY, IN THEIR DISCRETION, PROVIDE NOTICE OF  
2 INACTIVE PENDING REGISTRATION OR PREREGISTRATION STATUS AND MAY  
3 PURSUE FINALIZATION OF SUCH PENDING REGISTRATION OR  
4 PREREGISTRATION IN ACCORDANCE WITH THIS SECTION.

5 (c) If a person returns the form provided under subsection (3) of  
6 this section and declines to be registered or preregistered, including if the  
7 person returns the form and both declines to be registered or preregistered  
8 and also affiliates with a party, the person's PENDING registration or  
9 preregistration is canceled and the person is deemed to have never  
10 registered or preregistered; except that, if the person ~~has voted~~ VOTES in  
11 an election, ~~the return form is of no effect~~ and the person ~~remains~~ IS  
12 registered as of the date of the person's application with the department  
13 of revenue.

14 (d) If a person returns the form provided under subsection (3) of  
15 this section and affiliates with a party OR IDENTIFIES AS UNAFFILIATED  
16 AND PROVIDES THE REQUIRED SELF-AFFIRMATION, the person is registered  
17 or preregistered as of the date of the person's application with the  
18 department of revenue and the person's affiliation shall be marked  
19 effective as of the date the affiliation information was received.

20 (e) If a person returns the form without marking either the option  
21 to decline or the option to affiliate with a party ~~the returned form is of no~~  
~~effect. The person is registered or preregistered as of the date of the~~  
~~person's application with the department of revenue and shall be marked~~  
22 ~~as unaffiliated~~ OR IDENTIFY AS UNAFFILIATED, THE PERSON'S PENDING  
23 REGISTRATION OR PREREGISTRATION IS MARKED INACTIVE. THE COUNTY  
24 CLERK AND RECORDER MAY, IN THEIR DISCRETION, PROVIDE NOTICE OF  
25 INACTIVE PENDING REGISTRATION OR PREREGISTRATION STATUS AND MAY

1 PURSUE FINALIZATION OF SUCH PENDING REGISTRATION OR  
2 PREREGISTRATION IN ACCORDANCE WITH THIS SECTION.

3 (8) After the twenty-day period described in subsection (7) of this  
4 section passes, The registration information of a person registered OR  
5 PREREGISTERED pursuant to this section, including the fact that the person  
6 was registered through a voter registration agency, becomes a registration  
7 record that must be maintained and made available for public inspection  
8 in accordance with section 1-2-227. Information relating to the return of  
9 a notice form by a person declining to be registered or preregistered and  
10 information relating to the specific agency at which a person was  
11 registered pursuant to this section is not a public record subject to public  
12 inspection and shall not be used for any purpose other than voter  
13 registration statistics.

14 **SECTION 3.** In Colorado Revised Statutes, 1-2-605, **add** (1.5)  
15 as follows:

16 **1-2-605. Canceling registration - procedures.**

17 (1.5) IF AN ACTIVE ELECTOR FAILS TO VOTE IN AT LEAST ONE  
18 ELECTION CONDUCTED BY A COUNTY CLERK AND RECORDER DURING A  
19 TIME PERIOD THAT INCLUDES TWO CONSECUTIVE GENERAL ELECTIONS  
20 HELD IN EVEN-NUMBERED YEARS, THEN THE COUNTY CLERK AND  
21 RECORDER SHALL MARK THE ELECTOR'S REGISTRATION RECORD  
22 "INACTIVE" AND MAIL THE ELECTOR A CONFIRMATION CARD BY WHICH THE  
23 ELECTOR MAY VERIFY THEIR STATUS AS AN ACTIVE ELECTOR IN THE  
24 COUNTY. IF THE ELECTOR VERIFIES THEIR STATUS AS AN ACTIVE ELECTOR  
25 IN THE COUNTY, THE COUNTY CLERK AND RECORDER SHALL MARK THE  
26 ELECTOR'S REGISTRATION RECORD "ACTIVE". IF AN ELECTOR'S  
27 CONFIRMATION CARD IS RETURNED BY THE UNITED STATES POSTAL

1 SERVICE AS UNDELIVERABLE, THE COUNTY CLERK AND RECORDER SHALL  
2 PROCEED WITH ADDRESS VERIFICATION IN ACCORDANCE WITH SUBSECTION  
3 (5) OF THIS SECTION. IF THE ELECTOR FAILS TO RESPOND, THE COUNTY  
4 CLERK AND RECORDER SHALL LEAVE THE REGISTRATION RECORD OF THAT  
5 ELECTOR MARKED "INACTIVE".

6 **SECTION 4. Act subject to petition - effective date.** This act  
7 takes effect at 12:01 a.m. on the day following the expiration of the  
8 ninety-day period after final adjournment of the general assembly (August  
9 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a  
10 referendum petition is filed pursuant to section 1 (3) of article V of the  
11 state constitution against this act or an item, section, or part of this act  
12 within such period, then the act, item, section, or part will not take effect  
13 unless approved by the people at the general election to be held in  
14 November 2026 and, in such case, will take effect on the date of the  
15 official declaration of the vote thereon by the governor.