

CHAPTER 126

ELECTIONS

HOUSE BILL 16-1093

BY REPRESENTATIVE(S) Ransom and Ryden, Brown, Court, Klingenschmitt, Neville P., Saine, Van Winkle;
also SENATOR(S) Tate, Holbert, Lambert, Scheffel, Woods.

AN ACT

CONCERNING THE USE OF THE NATIONAL CHANGE OF ADDRESS DATABASE TO MAINTAIN VOTER REGISTRATION RECORDS, AND, IN CONNECTION THEREWITH, CLARIFYING TERMINOLOGY AND CONSOLIDATING PROCEDURES FOR COUNTY CLERKS AND RECORDERS TO FOLLOW WHEN IT APPEARS THAT AN ELECTOR HAS MOVED WITHIN THE STATE.

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

SECTION 1. In Colorado Revised Statutes, 1-1-104, **amend** (2.8) introductory portion as follows:

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

(2.8) "Confirmation card" means a communication mailed from a county clerk and recorder to an elector pursuant to ~~section 1-2-302.5, 1-2-509~~ SECTION 1-2-302.5 (2) (b) (III), 1-2-509 (3) (b) (III), or 1-2-605, which card must:

SECTION 2. In Colorado Revised Statutes, 1-1-110, **amend** (4) (a) and (5) (a) introductory portion; and **repeal** (4) (c) as follows:

1-1-110. Powers of county clerk and recorder and deputy - communication to electors. (4) (a) Except as otherwise provided in ~~paragraph (c) of this subsection (4) or in section 1-2-204 (2)~~ SECTION 1-2-302.5, any communication by mail from the county clerk and recorder to any registered elector pursuant to this title ~~including a confirmation card~~, must be sent to the elector's address of record.

~~(c) A county clerk and recorder shall send a confirmation card in accordance with section 1-2-302.5.~~

(5) (a) Except as otherwise provided in this subsection (5) and notwithstanding

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

any other provision of law, an elector may request to receive elections communication, except for ballots, ~~and~~ confirmation cards, OR CORRESPONDENCE SENT IN ACCORDANCE WITH SECTION 1-2-302.5 OR 1-2-509 (3), from his or her county clerk and recorder by electronic transmission. With the request, the elector must submit an electronic-mail address to which the county clerk and recorder may send communication from the county clerk and recorder. The county clerk and recorder, upon receiving the request, may send all future elections communication, except for ballots, ~~and~~ confirmation cards, OR CORRESPONDENCE SENT IN ACCORDANCE WITH SECTION 1-2-302.5 OR 1-2-509 (3), by electronic transmission to the electronic-mail address provided by the elector; except that:

SECTION 3. In Colorado Revised Statutes, 1-2-302.5, **amend** (2) (b) (I) and (2) (b) (III) introductory portion; and **repeal** (2) (b) (II) as follows:

1-2-302.5. Change of address search - rules. (2) (b) If any search of the national change of address database administered by the United States postal service conducted under this section indicates an elector has permanently moved, the county clerk and recorder shall act as follows:

(I) (A) If the search indicates that the elector moved within the ~~county~~ STATE, the county clerk and recorder OF THE COUNTY IN WHICH THE ELECTOR'S NEW ADDRESS IS LOCATED shall mark the elector's registration record as "Active" and update the elector's registration record with the elector's new address and send, ~~a confirmation card in accordance with section 1-2-605~~ to the elector's old address, NOTICE OF THE CHANGE BY FORWARDABLE MAIL AND A POSTAGE PRE-PAID PRE-ADDRESSED RETURN FORM BY WHICH THE REGISTRANT MAY VERIFY OR CORRECT THE ADDRESS INFORMATION.

(B) If the elector returns the ~~confirmation card~~ RETURN FORM sent pursuant to sub-subparagraph (A) of this subparagraph (I) and indicates ~~the elector~~ THAT HE OR SHE has not moved, the county clerk and recorder OF THE COUNTY IN WHICH THE ELECTOR'S OLD ADDRESS IS LOCATED shall ~~forthwith~~ IMMEDIATELY correct the elector's previously updated address in the statewide voter registration database.

(C) If the elector returns the ~~confirmation card affirming~~ RETURN FORM CONFIRMING the new address, ~~if the confirmation card is returned as undeliverable,~~ or if the elector does not return the ~~confirmation card~~ RETURN FORM, the county clerk and recorder shall leave the elector's new address and status as updated in the registration record pursuant to sub-subparagraph (A) of this subparagraph (I).

(II) (A) ~~If the search indicates that the elector moved to a different county within the state, the county clerk and recorder shall send a confirmation card to the elector's new address in accordance with section 1-2-605.~~

~~(B) If the elector returns the confirmation card and confirms his or her new address, the county clerk and recorder shall forthwith notify the county clerk and recorder of the county to which the elector moved, and the county clerk and recorder of the new county shall forthwith update the elector's address in the statewide voter registration database.~~

~~(C) If the elector returns the confirmation card and indicates that the elector has~~

~~not moved, or if the elector does not return the confirmation card, the county clerk and recorder may not change the elector's registration record.~~

(III) If the search indicates that the elector moved to a different state, the county clerk and recorder shall mark the elector's registration record "Inactive" and send a confirmation card ~~in accordance with section 1-2-605, to the elector's new address~~ and:

SECTION 4. In Colorado Revised Statutes, 1-2-509, **amend** (3) as follows:

1-2-509. Reviewing voter registration applications - notification.

(3) (a) Within ten business days after receipt of the application, the county clerk and recorder shall notify each applicant of the disposition of the application by nonforwardable mail ~~AND PROCEED IN ACCORDANCE WITH PARAGRAPH (b) OF THIS SUBSECTION (3).~~

(b) (I) If within twenty business days after receipt of the application the notification is returned to the county clerk and recorder as undeliverable, the applicant shall not be registered.

(II) If the notification is not returned within twenty business days as undeliverable, then the applicant shall be deemed registered as of the date of the application; except that, if the applicant was notified that the application was not complete, then the applicant ~~shall be~~ is deemed registered as of the date of the application if the additional information is provided at any time prior to the actual voting. If such applicant does not provide the additional information necessary to make his or her application complete and accurate within twenty-four months after notification is sent pursuant to subsection (2) of this section, the applicant ~~will be required to~~ MUST reapply in order to be registered.

(III) ~~IF THE NOTIFICATION IS RETURNED TO THE COUNTY CLERK AND RECORDER AS UNDELIVERABLE AFTER TWENTY DAYS AFTER RECEIPT OF THE APPLICATION, THE COUNTY CLERK AND RECORDER SHALL MARK THE APPLICANT'S REGISTRATION RECORD "INACTIVE" AND SEND A CONFIRMATION CARD.~~

SECTION 5. In Colorado Revised Statutes, 1-2-605, **amend** (1) (a) and (1) (b); and **repeal** (2) as follows:

1-2-605. Canceling registration - procedures. (1) (a) ~~Communication~~ CORRESPONDENCE by mail from the county clerk and recorder to a registered elector of a county must ~~be in the form of a confirmation card and must include, at a minimum, the elector's name and address. and precinct number. The county clerk and recorder shall mail the card to the elector's address of record unless the elector has requested that the county clerk and recorder send the card to his or her deliverable mailing address pursuant to section 1-2-204 (2) (k).~~

(b) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (b), ~~if an elector's confirmation card~~ CORRESPONDENCE DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1) is returned by the United States postal service as undeliverable, the county clerk and recorder shall mark the elector's registration record "Inactive" AND MAIL THE ELECTOR A CONFIRMATION CARD.

(II) IF CORRESPONDENCE DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1) IS RETURNED BY THE UNITED STATES POSTAL SERVICE AS UNDELIVERABLE AND THE ELECTOR'S REGISTRATION RECORD IS ALREADY MARKED "INACTIVE", THE COUNTY CLERK AND RECORDER SHALL NOT MODIFY THE RECORD AND MAY NOT MAIL THE ELECTOR A CONFIRMATION CARD.

~~(2) If an active registered elector fails to vote in a general election, the county clerk and recorder shall mail the elector a confirmation card. If the elector returns the confirmation card confirming the elector's information or if the elector does not return the confirmation card, the elector remains active. If the confirmation card is returned by the United States postal service as undeliverable, the county clerk and recorder shall mark the elector's registration record "Inactive".~~

SECTION 6. 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: April 21, 2016