

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 24-0329.01 Megan McCall x4215

SENATE BILL 24-072

SENATE SPONSORSHIP

Gonzales,

HOUSE SPONSORSHIP

Rutinel,

Senate Committees

State, Veterans, & Military Affairs
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING PROVISIONS TO ENSURE THAT CONFINED ELIGIBLE**
102 **ELECTORS AT A COUNTY JAIL OR DETENTION CENTER MAY VOTE.**

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>.)

Under current law, county clerk and recorders must make best efforts to coordinate with the county sheriff or the county sheriff's designee at each county jail or detention center to facilitate voting for all confined eligible electors. The bill requires a county sheriff to designate at least one individual to facilitate voting for confined eligible electors at the county jail or detention center (sheriff's designee) and requires the

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.

sheriff's designee to coordinate with the county clerk and recorder.

The sheriff's designee must provide information to confined individuals regarding eligibility to vote, how confined individuals can verify or change their voter registration, and how eligible confined individuals can register to vote and ensure there is reasonable access to resources to verify or change a voter registration or register to vote.

The bill also requires that the county clerk and recorder and the sheriff's designee coordinate to establish a temporary voter service and polling center at the county jail or detention center to allow one day of in-person voting for all confined eligible electors. The temporary voter service and polling center must be open for at least 6 hours. Additionally, the clerk and recorder is required to confirm through the department of corrections online offender database that a confined individual is not serving a felony sentence before the individual can register to vote or is permitted to vote at the temporary voter service and polling center.

Additionally, for mail ballot elections, the sheriff's designee is required to:

- Establish a location at the county jail or detention center for ballots voted by confined eligible electors to be returned;
- Ensure that confined eligible electors have information regarding the methods by which they may return voted ballots, the designated location for voted ballots to be returned, and the latest time on election day that ballots may be deposited at the designated location; and
- Inspect outgoing mail at the county jail or detention center for ballots and ensure that any ballots in outgoing mail are placed instead in the designated location for collection.

By not earlier than 3:00 p.m. on election day, a team of bipartisan election judges acting at the direction of the county clerk and recorder is required to conduct a final collection of ballots from the county jail or detention center that have been deposited at the designated location.

The bill further requires the election plan that is required under current law to include information concerning how the clerk and recorder and the sheriff's designee will facilitate the process for confined eligible electors to cure a deficiency on a voted ballot and requires the sheriff's designee to establish a process for a confined eligible elector to cure a deficiency on their ballot.

The failure of the sheriff or the sheriff's designee to comply with the requirements set forth in the bill constitutes an election offense that is a class 2 misdemeanor.

Finally, the office of the secretary of state is required to create training materials for county clerk and recorders to minimally use in providing training and technical assistance to the sheriff's designee.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-1-107, **add** (8) as
3 follows:

4 **1-1-107. Powers and duties of secretary of state - penalty.**
5 (8) THE OFFICE OF THE SECRETARY OF STATE SHALL CREATE TRAINING
6 MATERIALS FOR COUNTY CLERKS AND RECORDERS TO USE TO PROVIDE
7 TRAINING AND TECHNICAL ASSISTANCE TO THE INDIVIDUAL DESIGNATED
8 BY THE SHERIFF PURSUANT TO SECTION 30-10-529 TO FACILITATE VOTING
9 FOR CONFINED ELIGIBLE ELECTORS AT A COUNTY JAIL OR DETENTION
10 CENTER.

11
12 **SECTION 2.** In Colorado Revised Statutes, 1-5-703, **amend** (2)
13 as follows:

14 **1-5-703. Accessibility of polling locations to persons with**
15 **disabilities.** (2) Emergency polling locations AND IN-PERSON VOTING AT
16 COUNTY JAILS OR DETENTION CENTERS are exempt from compliance with
17 this section.

18 **SECTION 3.** In Colorado Revised Statutes, **amend** 1-7.5-113.5
19 as follows:

20 **1-7.5-113.5. Voting at county jails or detention centers -**
21 **definition.** (1) Each county clerk and recorder shall ~~make efforts to~~
22 coordinate with ~~the county sheriff or the county sheriff's designee~~ THE
23 INDIVIDUAL WHO THE COUNTY SHERIFF HAS DESIGNATED AS THE SHERIFF'S
24 DESIGNEE PURSUANT TO SECTION 30-10-529 at each county jail or
25 detention center to facilitate voting for all confined eligible electors. THE
26 CLERK AND RECORDER SHALL PROVIDE TRAINING AND TECHNICAL
27 ASSISTANCE TO THE SHERIFF'S DESIGNEE AND SHALL, AT A MINIMUM, USE

1 THE MATERIALS CREATED BY THE OFFICE OF THE SECRETARY OF STATE
2 PURSUANT TO SECTION 1-1-107 (8).

3 (2) The election plan required by section 1-7.5-105 must include
4 the following information:

5 (a) How the county clerk and recorder will provide each county
6 jail or detention center with voter information materials consistent with
7 the materials provided to nonconfined eligible electors, including at a
8 minimum a list of acceptable forms of identification under section
9 1-1-104 (19.5) and the information required by sections 1-40-124.5 and
10 1-40-125, AND HOW THE SHERIFF'S DESIGNEE WILL ENSURE REASONABLE
11 ACCESS TO SUCH MATERIALS AND INFORMATION IN ACCORDANCE WITH
12 SECTION 30-10-529 (3);

13 (b) The process by which the county clerk and ~~the sheriff or the~~
14 ~~sheriff's designee will facilitate voter registration, EACH OF THE SERVICES~~
15 ~~REQUIRED DURING IN-PERSON VOTING SET FORTH IN SUBSECTION (4) OF~~
16 ~~THIS SECTION, and delivery and retrieval of mail ballots for confined~~
17 ~~eligible electors;~~

18 ~~(c) In counties that have issued electronic tablets to or made~~
19 ~~electronic tablets available to confined eligible electors, the process by~~
20 ~~which the county clerk and recorder and the sheriff or the sheriff's~~
21 ~~designee will facilitate voter registration, ballot delivery, and ballot return~~
22 ~~using electronic tablets issued to confined eligible electors. The election~~
23 ~~plan must include the process for how confined eligible electors will be~~
24 ~~provided access to register and vote without charge and in a confidential~~
25 ~~manner; and~~

26 (d) The number of confined eligible voters who registered to vote
27 in the prior year and the number of confined eligible voters who voted in

1 the last November election; AND

2 (e) HOW THE CLERK AND RECORDER AND THE SHERIFF'S DESIGNEE
3 WILL FACILITATE THE PROCESS FOR A CONFINED ELIGIBLE ELECTOR TO
4 CURE A DEFICIENCY ON THEIR BALLOT PURSUANT TO SECTIONS 1-7.5-107
5 (3.5) AND 1-7.5-107.3 (1.5).

6 (3) (a) AFTER BALLOTS HAVE BEEN DELIVERED PURSUANT TO THE
7 PROCESS IDENTIFIED IN SUBSECTION (2)(b) OF THIS SECTION, THE SHERIFF'S
8 DESIGNEE SHALL INSPECT ALL OUTGOING MAIL AT THE COUNTY JAIL OR
9 DETENTION FACILITY FOR BALLOTS AND SHALL ENSURE THAT ANY
10 BALLOTS IN OUTGOING MAIL ARE PLACED INSTEAD IN A DESIGNATED
11 LOCATION FOR COLLECTION.

12 (b) BY NO LATER THAN 9:00 A.M. ON ELECTION DAY, THE SHERIFF'S
13 DESIGNEE SHALL ENSURE THAT CONFINED INDIVIDUALS HAVE
14 INFORMATION REGARDING THE LOCATION WHERE CONFINED ELIGIBLE
15 ELECTORS MUST DEPOSIT THEIR BALLOTS AND THE LATEST TIME ON
16 ELECTION DAY THAT BALLOTS MAY BE DEPOSITED AT THE DESIGNATED
17 LOCATION.

18 (c) (I) BEGINNING NOT EARLIER THAN 3:00 P.M. ON ELECTION DAY,
19 A TEAM OF BIPARTISAN ELECTION JUDGES ACTING AT THE DIRECTION OF
20 THE CLERK AND RECORDER OF THE COUNTY IN WHICH THE JAIL OR
21 DETENTION CENTER IS LOCATED SHALL CONDUCT A FINAL COLLECTION OF
22 BALLOTS THAT HAVE BEEN DEPOSITED AT THE DESIGNATED LOCATION.

23 (II) AS USED IN THIS SUBSECTION (3)(c), "ELECTION JUDGE" HAS
24 THE SAME MEANING AS SET FORTH IN SECTION 1-6-101 (1).

25 (4) (a) (I) FOR A GENERAL ELECTION, THE SHERIFF'S DESIGNEE
26 SHALL COORDINATE WITH THE COUNTY CLERK AND RECORDER TO
27 PROVIDE, AT A MINIMUM, ONE DAY OF IN-PERSON VOTING FOR CONFINED

1 ELIGIBLE ELECTORS AT THE COUNTY JAIL OR DETENTION CENTER. THE
2 IN-PERSON VOTING MUST BE OPEN FOR AT LEAST SIX HOURS AND BE HELD
3 ON ANY DAY BETWEEN THE FIFTEENTH DAY BEFORE ELECTION DAY AND
4 THE FOURTH DAY BEFORE ELECTION DAY.

5 (II) IF ON THE DATE THAT IN-PERSON VOTING IS SCHEDULED FOR,
6 ACCESS TO THE COUNTY JAIL OR DETENTION CENTER IS UNAVAILABLE DUE
7 TO A LOCK DOWN OR OTHER EXIGENT CIRCUMSTANCES, THEN THE
8 SHERIFF'S DESIGNEE SHALL WORK WITH THE COUNTY CLERK AND
9 RECORDER TO SCHEDULE A DIFFERENT DATE FOR IN-PERSON VOTING TO BE
10 HELD IN ACCORDANCE WITH THIS SUBSECTION (4).

11 (b) DURING THE IN-PERSON VOTING, THE COUNTY CLERK AND
12 RECORDER AND THE SHERIFF'S DESIGNEE SHALL PROVIDE:

13 (I) THE ABILITY FOR A CONFINED INDIVIDUAL, IF ELIGIBLE TO VOTE,
14 TO REGISTER TO VOTE OR UPDATE THEIR VOTER REGISTRATION RECORD;

15 (II) THE ABILITY FOR A CONFINED ELIGIBLE ELECTOR TO CAST A
16 BALLOT AND DO SO WITHOUT VIOLATING THE CONFINED ELIGIBLE
17 ELECTOR'S RIGHT TO A SECRET BALLOT;

18 (III) THE ABILITY FOR A CONFINED ELIGIBLE ELECTOR WHO IS
19 DETAINED IN A COUNTY JAIL OR DETENTION CENTER OUTSIDE THE
20 CONFINED ELIGIBLE ELECTOR'S COUNTY OF RESIDENCE TO CAST A BALLOT
21 CONTAINING ONLY STATEWIDE RACES AND MEASURES;

22 (IV) REASONABLE ACCOMMODATION IN ACCORDANCE WITH THE
23 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
24 12101 ET SEQ., AS AMENDED, THAT ALLOW A CONFINED INDIVIDUAL WITH
25 A DISABILITY, IF ELIGIBLE TO VOTE, TO REGISTER TO VOTE AND UPDATE
26 THEIR VOTER REGISTRATION RECORD AND A CONFINED ELIGIBLE ELECTOR
27 WITH A DISABILITY TO CAST A BALLOT;

1 (V) THE ABILITY TO ACCEPT MAIL BALLOTS THAT ARE DEPOSITED
2 BY CONFINED ELIGIBLE ELECTORS;

3 (VI) THE ABILITY FOR A CONFINED ELIGIBLE ELECTOR TO SUBMIT
4 A MAIL BALLOT CURE FORM PURSUANT TO SECTIONS 1-7.5-107 (3.5) AND
5 1-7.5-107.3 (1.5); AND

6 (VII) THE ABILITY OF A CONFINED INDIVIDUAL TO CAST A
7 PROVISIONAL BALLOT.

8 (5) BEFORE REGISTERING A CONFINED INDIVIDUAL TO VOTE,
9 UPDATING A CONFINED INDIVIDUAL'S VOTER REGISTRATION, OR ALLOWING
10 A CONFINED INDIVIDUAL TO VOTE IN ANY ELECTION, THE COUNTY CLERK
11 AND RECORDER MUST ACCESS THE CONFINED INDIVIDUAL'S RECORD
12 WITHIN THE DEPARTMENT OF CORRECTIONS' ONLINE OFFENDER DATABASE
13 TO CONFIRM THAT THE CONFINED INDIVIDUAL IS NOT CURRENTLY SERVING
14 A SENTENCE FOR A FELONY CONVICTION.

15 (6) THE SECRETARY OF STATE SHALL PROMULGATE RULES IN
16 ACCORDANCE WITH ARTICLE 4 OF TITLE 24 AS MAY BE NECESSARY TO
17 ADMINISTER AND ENFORCE THE REQUIREMENTS OF THIS SECTION.

18 **SECTION 4.** In Colorado Revised Statutes, **add** 30-10-529 as
19 follows:

20 **30-10-529. Coordinator for voting at county jails or detention**
21 **centers - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
22 OTHERWISE REQUIRES:

23 (a) "BALLOT INFORMATION BOOKLET" MEANS THE BALLOT
24 INFORMATION BOOKLET PUBLISHED AND DISTRIBUTED PURSUANT TO
25 SECTION 1-40-124.5.

26 (b) "DESIGNEE" MEANS AN INDIVIDUAL DESIGNATED PURSUANT TO
27 SUBSECTION (2) OF THIS SECTION.

1 (2) EACH SHERIFF SHALL DESIGNATE AT LEAST ONE INDIVIDUAL TO
2 FACILITATE VOTING FOR ALL CONFINED ELIGIBLE ELECTORS AT A COUNTY
3 JAIL OR DETENTION CENTER.

4 (3) THE DESIGNEE SHALL:

5 (a) COORDINATE WITH THE COUNTY CLERK AND RECORDER
6 PURSUANT TO SECTION 1-7.5-113.5;

7 (b) ENSURE THAT ALL CONFINED ELIGIBLE ELECTORS HAVE
8 REASONABLE ACCESS TO THE BALLOT INFORMATION BOOKLET, THE
9 INFORMATION REQUIRED BY SECTION 1-40-125, AND ANY
10 ELECTION-RELATED MATERIALS THAT ARE PREPARED AND PROVIDED TO
11 THE DESIGNEE IN SUPPORT OF OR IN OPPOSITION TO ANY CANDIDATE OR
12 ISSUE ON THE BALLOT;

13 (c) ENSURE THAT NOTICE OF THE DATE AND TIME FOR _____
14 IN-PERSON VOTING AT THE JAIL OR DETENTION CENTER PURSUANT TO
15 SECTION 1-7.5-113.5 (4)(a) IS PROVIDED TO CONFINED INDIVIDUALS,
16 INCLUDING NOTICE THAT, IF ELIGIBLE TO VOTE, CONFINED INDIVIDUALS
17 MAY REGISTER TO VOTE DURING THE IN-PERSON VOTING;

18 (d) PROVIDE TO CONFINED INDIVIDUALS INFORMATION REGARDING
19 ELIGIBILITY TO VOTE, HOW CONFINED INDIVIDUALS CAN VERIFY OR
20 CHANGE THEIR VOTER REGISTRATION, AND HOW CONFINED INDIVIDUALS,
21 IF ELIGIBLE TO VOTE, CAN REGISTER TO VOTE;

22 (e) ENSURE THAT CONFINED INDIVIDUALS WHO WANT TO VERIFY
23 OR CHANGE THEIR VOTER REGISTRATION OR REGISTER TO VOTE HAVE
24 REASONABLE ACCESS TO RESOURCES TO DO SO;

25 (f) ESTABLISH A LOCATION AT THE COUNTY JAIL OR DETENTION
26 CENTER FOR CONFINED ELIGIBLE ELECTORS TO RETURN THEIR BALLOTS
27 FOR COLLECTION BY A TEAM OF BIPARTISAN ELECTION JUDGES ACTING AT

1 THE DIRECTION OF THE CLERK AND RECORDER PURSUANT TO SECTION
2 1-7.5-113.5 (3)(c)(I), AND PROVIDE INFORMATION TO CONFINED
3 INDIVIDUALS CONCERNING THE METHODS BY WHICH BALLOTS CAN BE
4 RETURNED, THE LOCATION IN THE COUNTY JAIL OR DETENTION CENTER
5 WHERE BALLOTS CAN BE RETURNED, AND THE DEADLINES FOR RETURNING
6 BALLOTS; AND

7 (g) ESTABLISH A PROCESS FOR A CONFINED ELIGIBLE ELECTOR TO
8 HAVE THE OPPORTUNITY TO CURE A DEFICIENCY ON THEIR BALLOT
9 PURSUANT TO SECTIONS 1-7.5-107 (3.5) AND 1-7.5-107.3 (1.5).

10 (4) INFORMATION PROVIDED BY THE DESIGNEE AND ACTIONS
11 TAKEN BY THE DESIGNEE PURSUANT TO THIS SECTION MUST BE IN
12 ACCORDANCE WITH ANY APPLICABLE PROVISIONS CONCERNING ELECTIONS
13 SET FORTH IN TITLE 1.

14 (5) ANY FAILURE BY THE SHERIFF OR THE DESIGNEE TO COMPLY
15 WITH THE REQUIREMENTS OF THIS SECTION IS SUBJECT TO ASSESSMENT OF
16 A CIVIL PENALTY TO BE DETERMINED BY THE DISTRICT COURT FOR THE
17 JUDICIAL DISTRICT IN WHICH THE COUNTY JAIL OR DETENTION CENTER IS
18 LOCATED, PAYABLE BY THE COUNTY. THE CIVIL PENALTY IS IN THE
19 AMOUNT OF FIVE THOUSAND DOLLARS PER VIOLATION. THE OFFICE OF
20 COURT EXECUTIVE OF THE JUDICIAL DISTRICT SHALL TRANSMIT FINES
21 COLLECTED PURSUANT TO THIS SUBSECTION (5) TO THE STATE TREASURER,
22 WHO SHALL CREDIT THE SAME TO THE DEPARTMENT OF STATE CASH FUND
23 CREATED IN SECTION 24-21-104 (3)(b).

24 **SECTION 5. Applicability.** This act applies to elections that are
25 conducted on or after the effective date of this act.

26 **SECTION 6. Safety clause.** The general assembly finds,
27 determines, and declares that this act is necessary for the immediate

1 preservation of the public peace, health, or safety or for appropriations for
2 the support and maintenance of the departments of the state and state
3 institutions.