



Elections and Redistricting

During the 2021 legislative session, the General Assembly considered several measures related to election administration, election audits, ballot access, candidates and campaigns, and redistricting.

Election Administration

Several bills were considered that aimed to make changes to the administration of state and local elections.

Senate Bill 21-250 makes several changes to state and local election law. The bill:

- allows for voter registration using the last four digits of an elector's Social Security number;
- changes deadlines related to changing voter affiliation;
- sets new requirements for recall elections and petitions;
- repeals the ability of an unaffiliated candidate for president of the United States to be nominated by paying a fee;
- changes requirements for voter service and polling centers and drop boxes;
- requires institutions of higher education to notify enrolled students about voting information;
- requires certain counties to report presidential primary results by precinct; and
- requires the Department of Health Care Policy and Financing to regularly report certain data about changes in a voter's name or address.

Senate Bill 21-007 would have required registered voters in Colorado to cast their ballot in person for each general election, unless a voter requests a mail ballot following procedures developed by county clerks. Under current law, Colorado elections are conducted by mail ballot and all voters are automatically sent a ballot in the mail. The bill also would have limited in-person voting to six days before an election, and would have required that all ballots be counted before the end of Election Day. The bill was postponed indefinitely by the Senate State, Veterans, and Military Affairs Committee.

Senate Bill 21-160 makes technical updates and administrative clarifications to the Local Government Election Code and special district statutes. It also allows special districts to establish director districts for their board of directors, or to consolidate into a single-district board structure.

Starting in January 2023, *House Bill 21-1071* allows single-county municipal elections to use instant runoff voting (IRV) as a part during a coordinated election. IRV, or rank choice voting, allows voters to rank candidates by preference instead of choosing one candidate. Starting in July 2026, IRV will be available for municipalities located in multiple counties. The Secretary of State is required to establish the rules, requirements, and specifications for a voting system allowing IRV.

House Bill 21-1086 would have required that every eligible elector provide proof of United

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States citizenship in person at a county clerk and recorder in order to vote in Colorado elections. The bill was postponed indefinitely by the House State, Civic, Military, & Veterans Affairs Committee.

Under current law, if an eligible voter is unable to sign a mail ballot, they may self-affirm with a mark, which must be witnessed by another registered voter. *Senate Bill 21-010* would have required that the witness be a registered voter residing in the same county as the unsigned voter, and that the witness include their voter identification number on the ballot envelop. The bill was postponed indefinitely by the Senate State, Veterans, and Military Affairs Committee.

Voter Access and Information

Under current law, a voter with a disability who uses an electronic voting device must print the paper record and mail it to the applicable election official. *Senate Bill 21-188* allows some voters with disabilities to return their ballots electronically.

House Bill 21-1011 requires certain counties to provide access to multilingual sample ballots, and the Secretary of State to establish a multilingual ballot hotline with access to qualified translators to voters. A county clerk must provide a multilingual sample ballot if a minority language is spoken by at least 2,000 adult citizens in the county, or is spoken by at least 2.5 percent of adult citizens in the county. In addition, applicable counties must also provide an in-person minority language ballot upon request.

The nonpartisan Legislative Council Staff (LCS) prepares a statewide voter guide (Blue Book) for measures appearing on the ballot at a statewide election. *House Bill 21-1321* adds required information provided to voters in the Blue Book. For initiated ballot measures that either increase or decrease the individual income tax rate or the state sales tax rate, LCS must prepare a table that

shows the average tax burden change for filers. LCS must include the tax impact table in the Blue Book. The bill also requires that the Title Board include specific language in the ballot title of a measure, if a measure increases or decreases state or local tax revenue.

Election Audits and Recounts

HB 21-1088 would have required the State Auditor to conduct an annual audit of the statewide voter registration system, including at least 20 percent of the active registered electors in each county, over five consecutive years. The bill was postponed indefinitely by the House State, Civic, Military, & Veterans Affairs Committee.

Current law sets the conditions for conducting a recount of ballots in an election. In some cases, recounts are automatically required, and in others, a recount may be requested and paid for by an interested party such as the losing candidate or their political party. *House Bill 21-1053* would have added a registered elector to the list of people who can request a recount when one is not otherwise required, and would have allowed an interested party or registered elector to request that an election official conduct the recount manually. The bill was postponed indefinitely by the House State, Civic, Military, & Veterans Affairs Committee.

Election Commissions

The legislature considered two bills to create new commissions to study Colorado elections. *House Bill 21-1170* would have created a six-member Information Technology and Infrastructure Advisement Committee on Colorado Elections to study and make recommendations regarding Colorado's electronic voting systems to the Secretary of State. And *House Bill 21-1176* would have created a five-member Bipartisan Election Commission (commission) in the Department of State. The commission would have been tasked with

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making recommendations to the Secretary of State and the General Assembly regarding a comprehensive audit of the state's election processes. Both bills were postponed indefinitely by the House State, Civic, Military, & Veterans Affairs Committee.

Candidates and Campaigns

Under current law, no person is allowed to be a candidate for more than one elected office at a time. *House Bill 21-1092* would have allowed a person to be a candidate for lieutenant governor and another elected office, except the office of a U.S. senator or representative in Congress. The bill was vetoed by the Governor.

Senate Bill 21-177 would have prohibited foreign-influenced corporations from making an electioneering communication or contributing money to an independent expenditure in connection with an election. Electioneering communication is any communication that clearly refers to a candidate and is circulated before a primary or general election. The bill would have defined a "foreign-influenced corporation", a "foreign owner", and "widely held diversified fund" for the purpose of regulating financial contributions to campaigns. The bill was deemed lost in the Senate.

Redistricting

Following the passage of Amendments Y and Z in 2018, independent redistricting commissions are required to redraw Colorado's congressional and legislative districts every ten years. The state constitution requires that the commissions complete their work by certain deadlines, and state law requires them to use census data. The COVID-19 pandemic delayed the release of the U.S. Census Bureau's population and demographic data that is necessary to redraw election districts. *Senate Bill 21-247* would have made changes to the 2021 redistricting process to allow nonpartisan staff to use preliminary data

sets, rather than federal census data, to prepare preliminary redistricting plans. The bill would have also required nonpartisan staff to use census data to account for the home address of incarcerated persons. The bill was deemed lost in the House.

House Bill 21-1047 creates a redistricting process to be used in counties that have commissioners that are elected by county district, and not elected by voters of the whole county. The county must divide itself into commissioner districts, and the bill encourages the creation of independent redistricting commissions and establishes rules for their composition.