

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 17-0697.01 Kate Meyer x4348

SENATE BILL 17-071

SENATE SPONSORSHIP

Tate,

HOUSE SPONSORSHIP

(None),

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING REDUCTIONS IN EARLY VOTING PERIOD REQUIREMENTS**
102 **FOR VOTER SERVICE AND POLLING CENTERS USED IN GENERAL**
103 **ELECTIONS, AND, IN CONNECTION THEREWITH, ADJUSTING**
104 **REQUIREMENTS AND REALLOCATING RESOURCES AS A RESULT**
105 **OF SAVINGS FROM THOSE REDUCTIONS.**

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>.)

For general elections, counties with at least 25,000 active electors are currently required to designate at least one voter service and polling

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.

SENATE
Amended 2nd Reading
March 21, 2017

center (VSPC) for each 30,000 active electors during the period of early voting. The bill maintains this provision for the second 7 days of early voting, but changes this figure for the first 7 days of early voting so that at least one VSPC is required for each 75,000 active electors in those counties.

For all counties, the bill also removes the requirement that VSPCs be open on the first Saturday during the 15-day period prior to election day.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-2-301, **add** (6) as
3 follows:

4 **1-2-301. Centralized statewide registration system - secretary**
5 **of state to maintain computerized statewide voter registration list -**
6 **county computer records - agreement to match information -**
7 **independent review - report - definition.** (6) BEFORE EACH GENERAL
8 ELECTION, THE SECRETARY OF STATE SHALL CAUSE TO BE CONDUCTED AN
9 INDEPENDENT REVIEW OF THE LOAD TESTING OF THE CENTRALIZED
10 STATEWIDE REGISTRATION SYSTEM CREATED IN SUBSECTION (1) OF THIS
11 SECTION. NOTWITHSTANDING SECTION 24-1-136(11)(a), THE SECRETARY
12 OF STATE SHALL PROVIDE THE RESULTS OF THE INDEPENDENT REVIEW TO
13 THE JOINT TECHNOLOGY COMMITTEE CREATED IN SECTION 2-3-1702 AND
14 TO ANY ELECTIONS PRACTICES ADVISORY BODY ADMINISTRATIVELY
15 CREATED AND CONVENED BY THE SECRETARY OF STATE.

16 **SECTION 2.** In Colorado Revised Statutes, 1-5-102.9, **amend**
17 (1)(a), (1)(c)(II), (2), and (4)(b)(I)(A); and **add** (1)(c)(III), (1.5), and
18 (4)(b)(I)(C) as follows:

19 **1-5-102.9. Voter service and polling centers - number required**
20 **- services provided - drop-off locations - report - definition - repeal.**
21 (1) (a) For general elections, each county clerk and recorder shall

1 designate a minimum number of voter service and polling centers, as
2 follows:

3 (I) FOR COUNTIES WITH AT LEAST THREE HUNDRED THOUSAND
4 ACTIVE ELECTORS:

5 (A) DURING THE FIRST SEVEN DAYS OF THE PERIOD DESIGNATED
6 FOR EARLY VOTING, AT LEAST ONE VOTER SERVICE AND POLLING CENTER
7 FOR EACH SEVENTY-FIVE THOUSAND ACTIVE ELECTORS. ANY VOTER
8 SERVICE AND POLLING CENTER OPERATED UNDER THIS SUBSECTION
9 (1)(a)(I)(A) MUST BE OPEN AT LEAST EIGHT HOURS.

10 (B) DURING THE NEXT SIX DAYS OF THE PERIOD DESIGNATED FOR
11 EARLY VOTING, AT LEAST ONE VOTER SERVICE AND POLLING CENTER FOR
12 EACH FIFTY THOUSAND ACTIVE ELECTORS. ANY VOTER SERVICE AND
13 POLLING CENTER OPERATED UNDER THIS SUBSECTION (1)(a)(I)(B) MUST BE
14 OPEN AT LEAST EIGHT HOURS AND AT LEAST UNTIL 6:00 P.M.

15 (C) ON THE SATURDAY IMMEDIATELY PRECEDING ELECTION DAY,
16 AT LEAST ONE VOTER SERVICE AND POLLING CENTER FOR EVERY FIFTY
17 THOUSAND ACTIVE ELECTORS. ANY VOTER SERVICE AND POLLING CENTER
18 OPERATED UNDER THIS SUBSECTION (1)(a)(I)(C) MUST BE OPEN, AT A
19 MINIMUM, FROM 9:00 A.M. UNTIL 5:00 P.M.

20 (D) ON THE MONDAY IMMEDIATELY PRECEDING ELECTION DAY
21 AND ON ELECTION DAY, AT LEAST ONE VOTER SERVICE AND POLLING
22 CENTER FOR EVERY FIFTEEN THOUSAND ACTIVE ELECTORS. ANY VOTER
23 SERVICE AND POLLING CENTER OPERATED UNDER THIS SUBSECTION
24 (1)(a)(I)(D) MUST BE OPEN FROM 7:00 A.M. UNTIL 7:00 P.M.

25 (H) (II) For counties with at least twenty-five thousand, BUT FEWER
26 THAN THREE HUNDRED THOUSAND, active electors:

27 (A) During the FIRST SEVEN DAYS OF THE period designated for

1 early voting, at least one voter service and polling center for each thirty
2 SEVENTY-FIVE thousand active electors; except that there must be at least
3 one voter service and polling center in each such county. and ANY VOTER
4 SERVICE AND POLLING CENTER OPERATED UNDER THIS SUBSECTION
5 (1)(a)(II)(A) MUST BE OPEN AT LEAST EIGHT HOURS.

6 (B) DURING THE NEXT SIX DAYS OF EARLY VOTING, AT LEAST ONE
7 VOTER SERVICE AND POLLING CENTER FOR EACH FIFTY THOUSAND ACTIVE
8 ELECTORS; EXCEPT THAT THERE MUST BE AT LEAST ONE VOTER SERVICE
9 AND POLLING CENTER IN EACH SUCH COUNTY. ANY VOTER SERVICE AND
10 POLLING CENTER OPERATED UNDER THIS SUBSECTION (1)(a)(II)(B) MUST
11 BE OPEN AT LEAST EIGHT HOURS AND AT LEAST UNTIL 6:00 P.M.

12 (C) ON THE SATURDAY IMMEDIATELY PRECEDING ELECTION DAY,
13 AT LEAST ONE VOTER SERVICE AND POLLING CENTER FOR EVERY FIFTY
14 THOUSAND ACTIVE ELECTORS. ANY VOTER SERVICE AND POLLING CENTER
15 OPERATED UNDER THIS SUBSECTION (1)(a)(II)(C) MUST BE OPEN, AT A
16 MINIMUM, FROM 9:00 A.M. UNTIL 3:00 P.M.

17 (D) ON THE MONDAY IMMEDIATELY PRECEDING ELECTION DAY, AT
18 LEAST ONE VOTER SERVICE AND POLLING CENTER FOR EVERY THIRTY
19 THOUSAND ACTIVE ELECTORS. ANY VOTER SERVICE AND POLLING CENTER
20 OPERATED UNDER THIS SUBSECTION (1)(a)(II)(D) MUST BE OPEN FROM
21 7:00 A.M. UNTIL 7:00 P.M.

22 ~~(B)~~ (E) On election day, at least one voter service and polling
23 center for every fifteen thousand active electors, but no fewer than three
24 in each such county. ANY VOTER SERVICE AND POLLING CENTER
25 OPERATED UNDER THIS SUBSECTION (1)(a)(II)(E) MUST BE OPEN FROM 7:00
26 A.M. UNTIL 7:00 P.M.

27 ~~(H)~~ (III) For counties with at least ten thousand, but fewer than

1 twenty-five thousand, active electors:

2 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION
3 (1)(a)(III), during the period designated for early voting, at least one voter
4 service and polling center and THAT IS OPEN DURING BUSINESS HOURS.

5 (B) ON THE SATURDAY IMMEDIATELY PRECEDING ELECTION DAY,
6 AT LEAST ONE VOTER SERVICE AND POLLING CENTER. ANY VOTER SERVICE
7 AND POLLING CENTER OPERATED UNDER THIS SUBSECTION (1)(a)(IV)(B)
8 MUST BE OPEN, AT A MINIMUM, FROM 9:00 A.M. UNTIL 3:00 P.M.

9 (C) ON THE MONDAY IMMEDIATELY PRECEDING ELECTION DAY, AT
10 LEAST ONE VOTER SERVICE AND POLLING CENTER, WHICH MUST BE OPEN
11 DURING BUSINESS HOURS.

12 ~~(B)~~ (D) On election day, at least ~~three~~ TWO voter service and
13 polling centers; WHICH VOTER SERVICE AND POLLING CENTERS MUST BE
14 OPEN FROM 7:00 A.M. UNTIL 7:00 P.M.

15 ~~(H)~~ (IV) For counties with fewer than ten thousand active
16 electors:

17 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION
18 (1)(a)(IV), during the period designated for early voting, at least one voter
19 service and polling center and THAT IS OPEN DURING BUSINESS HOURS.

20 (B) ON THE SATURDAY IMMEDIATELY PRECEDING ELECTION DAY,
21 AT LEAST ONE VOTER SERVICE AND POLLING CENTER. ANY VOTER SERVICE
22 AND POLLING CENTER OPERATED UNDER THIS SUBSECTION (1)(a)(IV)(B)
23 MUST BE OPEN, AT A MINIMUM, FROM 9:00 A.M. UNTIL 3:00 P.M.

24 (C) ON THE MONDAY IMMEDIATELY PRECEDING ELECTION DAY, AT
25 LEAST ONE VOTER SERVICE AND POLLING CENTER, WHICH MUST BE OPEN
26 DURING BUSINESS HOURS.

27 ~~(B)~~ (D) On election day, at least one voter service and polling

1 center, WHICH VOTER SERVICE AND POLLING CENTERS MUST BE OPEN FROM
2 7:00 A.M. UNTIL 7:00 P.M.

3 (c) (II) In designating voter service and polling centers, a county
4 clerk and recorder shall solicit public comments. A COUNTY CLERK AND
5 RECORDER IS ALSO ENCOURAGED TO CONSULT WITH THE LOCAL BOARD OF
6 EDUCATION, SCHOOL DISTRICT ADMINISTRATION, OR SCHOOL
7 ADMINISTRATION, AS APPROPRIATE, PRIOR TO A DISTRICT OR SCHOOL
8 ADOPTING A CALENDAR FOR THE SCHOOL YEAR UNDER SECTION 22-32-109
9 (1)(n)(II)(B) IN THE YEAR OF A GENERAL ELECTION, TO DISCUSS WHETHER
10 ANY SCHOOLS MAY BE DESIGNATED AS VOTER SERVICE AND POLLING
11 CENTERS IN THE UPCOMING GENERAL ELECTION.

12 (III) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
13 CONTRARY, A VOTER SERVICE AND POLLING CENTER MUST BE LOCATED ON
14 THE CAMPUS OF EACH STATE INSTITUTION OF HIGHER EDUCATION, AS THAT
15 TERM IS DEFINED IN SECTION 23-18-102 (10), AT WHICH FIFTEEN
16 THOUSAND FULL-TIME STUDENTS ARE ENROLLED; EXCEPT THAT ONLY ONE
17 VOTER SERVICE AND POLLING CENTER IS REQUIRED PER SUCH CAMPUS,
18 REGARDLESS OF THE NUMBER OF INSTITUTIONS USING THE CAMPUS. A
19 STATE INSTITUTION OF HIGHER EDUCATION NOT HAVING FIFTEEN
20 THOUSAND OR MORE FULL-TIME STUDENTS ENROLLED AT ANY SINGLE
21 CAMPUS IS NOT SUBJECT TO THIS SUBSECTION (1)(c)(III). A CAMPUS VOTER
22 SERVICE AND POLLING CENTER OPERATED UNDER THIS SUBSECTION
23 (1)(c)(III) COUNTS TOWARD THE MINIMUM NUMBER OF VOTER SERVICE
24 AND POLLING CENTERS REQUIRED UNDER SUBSECTION (1)(a) OF THIS
25 SECTION.

26 (1.5) (a) THE OFFICIAL HAVING DECISION-MAKING AUTHORITY FOR
27 ANY PUBLIC BUILDING THAT A COUNTY CLERK AND RECORDER REQUESTS

1 TO USE AS A LOCATION FOR A VOTER SERVICE AND POLLING CENTER OR
2 STAND ALONE MAIL BALLOT DROP-OFF LOCATION SHALL PROVIDE A
3 WRITTEN RESPONSE TO THE REQUEST WITHIN THIRTY DAYS OF RECEIVING
4 IT. IF THE OFFICIAL DENIES THE REQUEST, HE OR SHE MUST STATE WITH
5 PARTICULARITY THE REASON ON WHICH THE DENIAL WAS BASED.

6 (b) THE AMOUNT OF MONEYS THAT MAY BE ASSESSED OR
7 RECOUPED IN CONNECTION WITH THE USE OF A PUBLIC BUILDING AS A
8 LOCATION FOR A VOTER SERVICE AND POLLING CENTER OR STAND ALONE
9 MAIL BALLOT DROP-OFF LOCATION IS LIMITED TO THE ACTUAL EXPENSES
10 INCURRED IN CONNECTION WITH SERVING AS SUCH A LOCATION, WHICH
11 EXPENSES MUST BE ITEMIZED IN A WRITTEN EXPLANATION TO THE COUNTY
12 CLERK AND RECORDER.

13 (c) NOTWITHSTANDING SECTION 24-1-136 (11)(a), THE SECRETARY
14 OF STATE SHALL SUBMIT A REPORT BY MARCH 1 OF EVERY
15 ODD-NUMBERED YEAR TO THE STATE, VETERANS, AND MILITARY AFFAIRS
16 COMMITTEES, OR ANY SUCCESSOR COMMITTEES, OF THE HOUSE OF
17 REPRESENTATIVES AND THE SENATE. THE REPORT MUST DESCRIBE THE
18 LOCATIONS USED AS VOTER SERVICE AND POLLING CENTERS AND MUST
19 INCLUDE THE REASON FOR DENIAL OF USE OF ANY PUBLIC BUILDING
20 PROVIDED TO THE COUNTY CLERK AND RECORDER UNDER SUBSECTION
21 (1.5)(a) OF THIS SECTION.

22 (d) AS USED IN THIS SUBSECTION (1.5), "PUBLIC BUILDING" HAS
23 THE SAME MEANING AS SET FORTH IN SECTION 25-14-203 (13).

24 (2) Voter service and polling centers must be open, at a minimum,
25 for the fifteen-day period prior to and including the day of the election;
26 except that voter service and polling centers are PERMITTED BUT not
27 required to be open ON THE FIRST SATURDAY DURING THE FIFTEEN-DAY

1 PERIOD PRIOR TO THE ELECTION OR on Sundays.

2 (4) (b) (I) (A) All counties described in subparagraph (I) of
3 paragraph (a) of subsection (1) SUBSECTIONS (1)(a)(I) AND (1)(a)(II) of
4 this section shall provide at least one TWENTY-FOUR HOUR SECURE
5 drop-off location for each thirty thousand active voters in the county, but
6 must provide a minimum of one stand alone drop-off location.

7 (C) EACH COUNTY WITH AT LEAST FIVE THOUSAND ACTIVE
8 ELECTORS SHALL PROVIDE AT LEAST ONE TWENTY-FOUR HOUR SECURE
9 DROP-OFF LOCATION.

10 **SECTION 3.** In Colorado Revised Statutes, **add** 1-7-115.5 as
11 follows:

12 **1-7-115.5. Election day wait time reporting - rules.** ON THE DAY
13 OF EACH GENERAL ELECTION, A COUNTY CLERK AND RECORDER OR THE
14 SECRETARY OF STATE SHALL MEASURE AT LEAST HOURLY THE WAIT TIMES
15 AT EVERY VOTER SERVICE AND POLLING CENTER IN EACH COUNTY. THE
16 SECRETARY OF STATE SHALL POST THE RESULTS OF THOSE MEASUREMENTS
17 AT LEAST HOURLY ON ELECTION DAY. THE SECRETARY OF STATE SHALL
18 PROMULGATE RULES, IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, TO
19 IMPLEMENT THIS SECTION. _____

20 **SECTION 4.** In Colorado Revised Statutes, 1-7.5-105, **amend** (1)
21 and (2)(a); and **add** (1.3) as follows:

22 **1-7.5-105. Preelection process - election plan - rules.** (1) The
23 county clerk and recorder or designated election official responsible for
24 conducting an election that is to be by mail ballot pursuant to section
25 1-7.5-104 (1) shall send a proposed election plan for conducting the mail
26 ballot election to the secretary of state no later than fifty-five days prior
27 to a nonpartisan election or, for any mail ballot election that is

1 coordinated with or conducted by the county clerk and recorder, no later
2 than ninety days prior to the election. The proposed plan may be based on
3 the standard plan adopted by the secretary of state by rule. THE COUNTY
4 CLERK AND RECORDER SHALL INCLUDE WITH THE PROPOSED ELECTION
5 PLAN ANY WATCHER ACCOMMODATION PLAN OR OTHER
6 ADMINISTRATIVELY REQUIRED WATCHER PLAN.

7 (1.3) AT A MINIMUM, AN ELECTION PLAN SUBMITTED UNDER THIS
8 SECTION MUST INCLUDE THE LOCATIONS, HOURS OF OPERATION, CAPACITY,
9 AN EXPECTED VOTER USE OF EACH VOTER SERVICE AND POLLING CENTER
10 IN THE POLITICAL SUBDIVISION.

11 (2) (a) The secretary of state shall approve or disapprove the
12 written ELECTION plan, for conducting a mail ballot election, in
13 accordance with section 1-7.5-106, within fifteen days after receiving the
14 plan and shall provide a written notice to the affected political
15 subdivision.

16 SECTION 5. In Colorado Revised Statutes, 1-7.5-107, amend
17 (2.7) and (4)(b)(I)(A) as follows:

18 **1-7.5-107. Procedures for conducting mail ballot election -**
19 **primary elections - first-time voters casting a mail ballot after having**
20 **registered by mail to vote - in-person request for ballot - repeal.**

21 (2.7) Subsequent to the preparation of ballots in accordance with section
22 1-5-402 but prior to the mailing required under subsection (3) of this
23 section, a designated election official shall provide a mail ballot to a
24 registered elector requesting the ballot at the designated election official's
25 office or the office designated in the ~~mail ballot~~ ELECTION plan filed with
26 the secretary of state.

27 (4) (b) (I) The eligible elector may:

1 (A) Return the marked ballot to the county clerk and recorder or
2 designated election official by United States mail or by depositing the
3 ballot at the office of the county clerk and recorder or designated election
4 official or any voter service and polling center or drop-off location
5 designated by the county clerk and recorder or designated election official
6 as specified in the mail ballot ELECTION plan filed with the secretary of
7 state. The ballot must be returned in the return envelope.

8 **SECTION 6.** In Colorado Revised Statutes, **amend 1-12-111.5**
9 as follows:

10 **1-12-111.5. Nonpartisan recall election plan.** (1) If a
11 nonpartisan recall election is to be conducted by mail ballot, the
12 designated election official shall submit a written mail ballot ELECTION
13 plan to the secretary of state in accordance with section 1-7.5-105 no later
14 than five calendar days after calling the election.

15 (2) The secretary of state shall approve or disapprove a recall mail
16 ballot ELECTION plan within five calendar days after receiving the plan
17 and shall provide written notice to the designated election official.

18 **SECTION 7.** In Colorado Revised Statutes, 1-12-114, **amend (1)**
19 and (2)(b) as follows:

20 **1-12-114. Mail ballots - plan required - voter service and**
21 **polling centers - number required - definition.** (1)(a) Notwithstanding
22 section 1-7.5-107 (1), as soon as practicable after the date that the
23 designated election official certifies the recall question to the ballot under
24 section 1-12-108 (8)(c)(II), the county clerk and recorder or designated
25 election official administering a recall election shall submit to the
26 secretary of state, for approval within twenty-four hours after receipt, a
27 proposed mail ballot election plan, including the manner in and date by

1 which the mail ballot transmission deadline set forth in subsection (2) of
2 this section will be met. If the secretary of state does not provide written
3 notice of approval or disapproval of the plan within twenty-four hours,
4 the plan is deemed approved.

5 (b) The secretary of state may disapprove a mail ballot AN
6 ELECTION plan submitted under paragraph (a) of this subsection (1)
7 SUBSECTION (1)(a) OF THIS SECTION using only the same standards used
8 to evaluate and approve of mail ballot plans transmitted under section
9 1-7.5-105.

10 (2) Notwithstanding any provision of this code to the contrary:

11 (b) Not later than the fifteenth day before the last day on which
12 voted mail ballots may be returned by electors other than covered voters
13 under article 8.3 of this title TITLE 1, the designated election official shall
14 mail ballots to eligible electors in accordance with the mail ballot
15 ELECTION plan developed pursuant to subsection (1) of this section.

16 **SECTION 8.** In Colorado Revised Statutes, 22-32-109, amend
17 (1) introductory portion; and add (1)(n)(I)(C) as follows:

18 **22-32-109. Board of education - specific duties.** (1) In addition
19 to any other duty required to be performed by law, each board of
20 education shall have and perform the following specific duties:

21 (n) (II) (C) FOR ANY YEAR IN WHICH A GENERAL ELECTION, AS
22 THAT TERM IS DEFINED IN SECTION 1-1-104 (17), IS HELD, THE BOARD OF
23 EDUCATION, DISTRICT ADMINISTRATION, OR COMBINATION THEREOF, AS
24 APPLICABLE, MAY TAKE INTO ACCOUNT AND CONSULT WITH THE COUNTY
25 CLERK AND RECORDER REGARDING WHETHER ANY SCHOOLS CAN BE
26 DESIGNATED AS LOCATIONS FOR VOTER SERVICE AND POLLING CENTERS
27 UNDER SECTION 1-5-102.9.

1 **SECTION 9. Act subject to petition - effective date -**
2 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
3 the expiration of the ninety-day period after final adjournment of the
4 general assembly (August 9, 2017, if adjournment sine die is on May 10,
5 2017); except that, if a referendum petition is filed pursuant to section 1
6 (3) of article V of the state constitution against this act or an item, section,
7 or part of this act within such period, then the act, item, section, or part
8 will not take effect unless approved by the people at the general election
9 to be held in November 2018 and, in such case, will take effect on the
10 date of the official declaration of the vote thereon by the governor.
11 (2) This act applies to elections conducted on or after the
12 applicable effective date of this act.