

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 8, 2017
Date

Committee on State, Veterans, & Military Affairs.

After consideration on the merits, the Committee recommends the following:

SB17-071 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

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

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

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

20 **1-5-102.9. Voter service and polling centers - number required**
21 **- services provided - drop-off locations - report - definition - repeal.**
22 (1) (a) For general elections, each county clerk and recorder shall
23 designate a minimum number of voter service and polling centers, as
24 follows:

1 (I) FOR COUNTIES WITH AT LEAST THREE HUNDRED THOUSAND
2 ACTIVE ELECTORS:

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

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

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

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

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

25 (A) During the FIRST SEVEN DAYS OF THE period designated for
26 early voting, at least one voter service and polling center for each ~~thirty~~
27 SEVENTY-FIVE thousand active electors; except that there must be at least
28 one voter service and polling center in each such county. ~~and~~ ANY VOTER
29 SERVICE AND POLLING CENTER OPERATED UNDER THIS SUBSECTION
30 (1)(a)(II)(A) MUST BE OPEN AT LEAST EIGHT HOURS.

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

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

1 (D) ON THE MONDAY IMMEDIATELY PRECEDING ELECTION DAY, AT
2 LEAST ONE VOTER SERVICE AND POLLING CENTER FOR EVERY THIRTY
3 THOUSAND ACTIVE ELECTORS. ANY VOTER SERVICE AND POLLING CENTER
4 OPERATED UNDER THIS SUBSECTION (1)(a)(II)(D) MUST BE OPEN FROM
5 7:00 A.M. UNTIL 7:00 P.M.

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

11 ~~(H)~~ (III) For counties with at least ten thousand, but fewer than
12 twenty-five thousand, active electors:

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

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

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

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

26 ~~(H)~~ (IV) For counties with fewer than ten thousand active
27 electors:

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

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

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

38 ~~(B)~~ (D) On election day, at least one voter service and polling
39 center, WHICH VOTER SERVICE AND POLLING CENTERS MUST BE OPEN FROM
40 7:00 A.M. UNTIL 7:00 P.M.

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

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

24 (1.5) (a) THE OFFICIAL HAVING DECISION-MAKING AUTHORITY FOR
25 ANY PUBLIC BUILDING THAT A COUNTY CLERK AND RECORDER REQUESTS
26 TO USE AS A LOCATION FOR A VOTER SERVICE AND POLLING CENTER OR
27 STAND ALONE MAIL BALLOT DROP-OFF LOCATION SHALL PROVIDE A
28 WRITTEN RESPONSE TO THE REQUEST WITHIN THIRTY DAYS OF RECEIVING
29 IT. IF THE OFFICIAL DENIES THE REQUEST, HE OR SHE MUST STATE WITH
30 PARTICULARITY THE REASON ON WHICH THE DENIAL WAS BASED.

31 (b) THE AMOUNT OF MONEYS THAT MAY BE ASSESSED OR
32 RECOUPED IN CONNECTION WITH THE USE OF A PUBLIC BUILDING AS A
33 LOCATION FOR A VOTER SERVICE AND POLLING CENTER OR STAND ALONE
34 MAIL BALLOT DROP-OFF LOCATION IS LIMITED TO THE ACTUAL EXPENSES
35 INCURRED IN CONNECTION WITH SERVING AS SUCH A LOCATION, WHICH
36 EXPENSES MUST BE ITEMIZED IN A WRITTEN EXPLANATION TO THE COUNTY
37 CLERK AND RECORDER.

38 (c) NOTWITHSTANDING SECTION 24-1-136 (11)(a), THE SECRETARY
39 OF STATE SHALL SUBMIT A REPORT BY MARCH 1 OF EVERY
40 ODD-NUMBERED YEAR TO THE STATE, VETERANS, AND MILITARY AFFAIRS
41 COMMITTEES, OR ANY SUCCESSOR COMMITTEES, OF THE HOUSE OF

1 REPRESENTATIVES AND THE SENATE. THE REPORT MUST DESCRIBE THE
2 LOCATIONS USED AS VOTER SERVICE AND POLLING CENTERS AND MUST
3 INCLUDE THE REASON FOR DENIAL OF USE OF ANY PUBLIC BUILDING
4 PROVIDED TO THE COUNTY CLERK AND RECORDER UNDER SUBSECTION
5 (1.5)(a) OF THIS SECTION.

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

8 (2) Voter service and polling centers must be open, at a minimum,
9 for the fifteen-day period prior to and including the day of the election;
10 except that voter service and polling centers are PERMITTED BUT not
11 required to be open ON THE FIRST SATURDAY DURING THE FIFTEEN-DAY
12 PERIOD PRIOR TO THE ELECTION OR on Sundays.

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

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

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

23 **1-7-115.5. Election day wait time reporting - rules.** THE WAIT
24 TIMES AT EACH VOTER SERVICE AND POLLING CENTER MUST BE COLLECTED
25 AND POSTED ON THE DAY OF EACH GENERAL ELECTION IN ACCORDANCE
26 WITH RULES PROMULGATED BY THE SECRETARY OF STATE PURSUANT TO
27 ARTICLE 4 OF TITLE 24.

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

30 **1-7.5-105. Preelection process - election plan - rules.** (1) The
31 county clerk and recorder or designated election official responsible for
32 conducting an election that is to be by mail ballot pursuant to section
33 1-7.5-104 (1) shall send a proposed election plan for conducting the ~~mail~~
34 ~~ballot~~ election to the secretary of state no later than fifty-five days prior
35 to a nonpartisan election or, for any ~~mail-ballot~~ election that is
36 coordinated with or conducted by the county clerk and recorder, no later
37 than ninety days prior to the election. The proposed plan may be based on
38 the standard plan adopted by the secretary of state by rule. THE COUNTY
39 CLERK AND RECORDER SHALL INCLUDE WITH THE PROPOSED ELECTION
40 PLAN ANY WATCHER ACCOMMODATION PLAN OR OTHER
41 ADMINISTRATIVELY REQUIRED WATCHER PLAN.

1 (1.3) AT A MINIMUM, AN ELECTION PLAN SUBMITTED UNDER THIS
2 SECTION MUST INCLUDE THE LOCATIONS, HOURS OF OPERATION, CAPACITY,
3 ANDEXPECTED VOTER USE OF EACH VOTER SERVICE AND POLLING CENTER
4 IN THE POLITICAL SUBDIVISION.

5 (2) (a) The secretary of state shall approve or disapprove the
6 written ELECTION plan, ~~for conducting a mail ballot election~~, in
7 accordance with section 1-7.5-106, within fifteen days after receiving the
8 plan and shall provide a written notice to the affected political
9 subdivision.

10 **SECTION 5.** In Colorado Revised Statutes, 1-7.5-107, **amend**
11 (2.7) and (4)(b)(I)(A) as follows:

12 **1-7.5-107. Procedures for conducting mail ballot election -**
13 **primary elections - first-time voters casting a mail ballot after having**
14 **registered by mail to vote - in-person request for ballot - repeal.**

15 (2.7) Subsequent to the preparation of ballots in accordance with section
16 1-5-402 but prior to the mailing required under subsection (3) of this
17 section, a designated election official shall provide a mail ballot to a
18 registered elector requesting the ballot at the designated election official's
19 office or the office designated in the ~~mail ballot~~ ELECTION plan filed with
20 the secretary of state.

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

22 (A) Return the marked ballot to the county clerk and recorder or
23 designated election official by United States mail or by depositing the
24 ballot at the office of the county clerk and recorder or designated election
25 official or any voter service and polling center or drop-off location
26 designated by the county clerk and recorder or designated election official
27 as specified in the ~~mail ballot~~ ELECTION plan filed with the secretary of
28 state. The ballot must be returned in the return envelope.

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

31 **1-12-111.5. Nonpartisan recall election plan.** (1) If a
32 nonpartisan recall election is to be conducted by mail ballot, the
33 designated election official shall submit a written ~~mail ballot~~ ELECTION
34 plan to the secretary of state in accordance with section 1-7.5-105 no later
35 than five calendar days after calling the election.

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

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

41 **1-12-114. Mail ballots - plan required - voter service and**
42 **polling centers - number required - definition.** (1)(a) Notwithstanding

1 section 1-7.5-107 (1), as soon as practicable after the date that the
2 designated election official certifies the recall question to the ballot under
3 section 1-12-108 (8)(c)(II), the county clerk and recorder or designated
4 election official administering a recall election shall submit to the
5 secretary of state, for approval within twenty-four hours after receipt, a
6 proposed ~~mail ballot~~ election plan, including the manner in and date by
7 which the mail ballot transmission deadline set forth in subsection (2) of
8 this section will be met. If the secretary of state does not provide written
9 notice of approval or disapproval of the plan within twenty-four hours,
10 the plan is deemed approved.

11 (b) The secretary of state may disapprove a ~~mail ballot~~ AN
12 ELECTION plan submitted under ~~paragraph (a) of this subsection (1)~~
13 SUBSECTION (1)(a) OF THIS SECTION using only the same standards used
14 to evaluate and approve of mail ballot plans transmitted under section
15 1-7.5-105.

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

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

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

24 **22-32-109. Board of education - specific duties.** (1) In addition
25 to any other duty required to be performed by law, each board of
26 education shall ~~have and~~ perform the following specific duties:

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

34 **SECTION 9. Act subject to petition - effective date -**
35 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
36 the expiration of the ninety-day period after final adjournment of the
37 general assembly (August 9, 2017, if adjournment sine die is on May 10,
38 2017); except that, if a referendum petition is filed pursuant to section 1
39 (3) of article V of the state constitution against this act or an item, section,
40 or part of this act within such period, then the act, item, section, or part
41 will not take effect unless approved by the people at the general election

1 to be held in November 2018 and, in such case, will take effect on the
2 date of the official declaration of the vote thereon by the governor.

3 (2) This act applies to elections conducted on or after the
4 applicable effective date of this act."

5 Page 1, strike line 103 and substitute "**ELECTIONS, AND, IN CONNECTION**
6 **THEREWITH, ADJUSTING REQUIREMENTS AND REALLOCATING**
7 **RESOURCES AS A RESULT OF SAVINGS FROM THOSE REDUCTIONS.**".

** ** ** ** **