

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-1067.01 Bob Lackner x4350

HOUSE BILL 20-1313

HOUSE SPONSORSHIP

Sullivan,

SENATE SPONSORSHIP

(None),

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE ADMINISTRATION OF BALLOTS MAILED TO ELECTORS

102 TOWARDS THE END OF THE VOTING PERIOD.

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>.)

The bill specifies the following requirements in connection with the administration of ballots mailed to electors towards the end of the voting period:

- ! Commencing the 15th day before an election through the 8th day before an election, **section 1** of the bill requires the county clerk and recorder (clerk) to process all voter

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

registration applications and updates to a voter registration record that requires a new ballot to be sent to an elector within 48 hours.

- ! **Section 3** permits an eligible elector to obtain a replacement ballot if the ballot that was originally mailed to the elector was destroyed, spoiled, lost, or for some other reason not received by the elector. The bill specifies the process by which the elector requests a replacement ballot.
- ! The clerk is required to mail a replacement ballot to each eligible elector who, after the date on which mail ballots are sent, updated their voter registration address or registered to vote.
- ! The bill requires the clerk to deliver any original or replacement ballot to the United States postal service within one business day after processing a registration application or update to a voter registration record that requires a new ballot to be sent to an elector.
- ! Commencing a certain period before the election, the bill requires the clerk to mail all mail ballots to electors by first class mail.
- ! **Section 4** imposes a duty on any person responsible for preparing, issuing, transporting, or mailing ballots who has personal knowledge that mail ballots under that person's care have been either lost or stolen or will, for any reason, not be timely delivered to electors, to report the issue to the county clerk and recorder and to the secretary of state. A violation results in a civil penalty.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-2-508, **add** (3)(c)
3 as follows:

4 **1-2-508. Receipt of voter registration applications - effective**
5 **dates - legislative intent.** (3) (c) COMMENCING THE FIFTEENTH DAY
6 BEFORE AN ELECTION THROUGH THE EIGHTH DAY BEFORE AN ELECTION,
7 THE COUNTY CLERK AND RECORDER SHALL PROCESS ALL VOTER
8 REGISTRATION APPLICATIONS AND UPDATES TO VOTER REGISTRATION
9 RECORDS THAT REQUIRE A NEW BALLOT TO BE SENT TO AN ELECTOR
10 WITHIN FORTY-EIGHT HOURS.

1 **SECTION 2.** In Colorado Revised Statutes, 1-7.5-107, **amend**
2 (3)(d) as follows:

3 **1-7.5-107. Procedures for conducting mail ballot election -**
4 **primary elections - first-time voters casting a mail ballot after having**
5 **registered by mail to vote - in-person request for ballot - repeal.**

6 (3) (d) An eligible elector may obtain a replacement ballot if ~~the ballot~~
7 ~~was destroyed, spoiled, lost, or for some other reason not received by the~~
8 ~~eligible elector. An eligible elector may obtain a ballot if a mail ballot~~
9 ~~packet was not sent to the elector because the eligibility of the elector~~
10 ~~could not be determined at the time the mail ballot packets were mailed.~~
11 ~~The designated election official shall keep a record of each ballot issued~~
12 ~~in accordance with this paragraph (d)~~ IN ACCORDANCE WITH THE
13 PROCEDURES SPECIFIED IN SECTIONS 1-7.5-114.5 AND 1-7.5-115.

14 **SECTION 3.** In Colorado Revised Statutes, **add** 1-7.5-114.5 as
15 follows:

16 **1-7.5-114.5. Replacement ballots - ballots for new electors -**
17 **ballots for electors who updated their records.** (1) (a) AN ELIGIBLE
18 ELECTOR MAY OBTAIN A REPLACEMENT BALLOT IF THE BALLOT THAT WAS
19 ORIGINALLY MAILED TO THE ELECTOR WAS DESTROYED, SPOILED, LOST, OR
20 FOR SOME OTHER REASON NOT RECEIVED BY THE ELECTOR. TO OBTAIN A
21 REPLACEMENT BALLOT BY MAIL, THE ELECTOR SHALL MAKE A REQUEST TO
22 THE COUNTY CLERK AND RECORDER FOR A REPLACEMENT BALLOT NO
23 LATER THAN THE EIGHTH DAY BEFORE AN ELECTION.

24 (b) THE COUNTY CLERK AND RECORDER SHALL MAIL A BALLOT TO
25 EACH ELIGIBLE ELECTOR WHO, AFTER THE DATE ON WHICH THE COUNTY
26 CLERK MAILED BALLOTS UNDER SECTION 1-7.5-107 (3)(a)(I) BUT NO
27 LATER THAN THE EIGHTH DAY BEFORE THE ELECTION, UPDATED THEIR

1 VOTER REGISTRATION ADDRESS.

2 (c) THE COUNTY CLERK AND RECORDER SHALL MAIL A BALLOT TO
3 EACH ELIGIBLE ELECTOR WHO, AFTER THE DATE ON WHICH THE COUNTY
4 CLERK MAILED BALLOTS UNDER SECTION 1-7.5-107 (3)(a)(I) BUT NO
5 LATER THAN THE EIGHTH DAY BEFORE THE ELECTION, REGISTERED TO
6 VOTE.

7 (d) THE COUNTY CLERK AND RECORDER SHALL KEEP AND
8 MAINTAIN A RECORD OF EACH BALLOT THAT IS MAILED TO AN ELECTOR IN
9 ACCORDANCE WITH THIS SECTION.

10 (2) (a) COMMENCING ON THE FIFTEENTH DAY BEFORE THE
11 ELECTION, THE COUNTY CLERK AND RECORDER SHALL DELIVER ANY
12 ORIGINAL OR REPLACEMENT BALLOT TO THE UNITED STATES POSTAL
13 SERVICE WITHIN ONE BUSINESS DAY AFTER PROCESSING A REGISTRATION
14 APPLICATION OR AN UPDATE TO A VOTER REGISTRATION RECORD THAT
15 REQUIRES A NEW BALLOT TO BE SENT TO AN ELECTOR.

16 (b) COMMENCING ON THE ELEVENTH DAY BEFORE THE ELECTION,
17 THE COUNTY CLERK AND RECORDER SHALL MAIL ALL MAIL BALLOTS TO
18 ELECTORS BY FIRST CLASS MAIL.

19 **SECTION 4.** In Colorado Revised Statutes, **add** 1-13-804 as
20 follows:

21 **1-13-804. Duty to report lost, stolen, or late ballots - penalty.**
22 ANY PERSON RESPONSIBLE FOR PREPARING, ISSUING, TRANSPORTING, OR
23 MAILING BALLOTS WHO HAS PERSONAL KNOWLEDGE THAT MAIL BALLOTS
24 UNDER THAT PERSON'S CARE HAVE BEEN EITHER LOST OR STOLEN OR WILL,
25 FOR ANY REASON, NOT BE TIMELY DELIVERED TO ELECTORS, SHALL
26 REPORT THE ISSUE TO THE COUNTY CLERK AND RECORDER AND TO THE
27 SECRETARY OF STATE. ANY PERSON WHO KNOWINGLY AND WILLFULLY

1 FAILS TO REPORT AS REQUIRED BY THIS SECTION IS SUBJECT TO A CIVIL
2 PENALTY THAT SHALL NOT EXCEED ONE THOUSAND DOLLARS.

3 **SECTION 5. Act subject to petition - effective date.** This act
4 takes effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the general assembly (August
6 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
7 referendum petition is filed pursuant to section 1 (3) of article V of the
8 state constitution against this act or an item, section, or part of this act
9 within such period, then the act, item, section, or part will not take effect
10 unless approved by the people at the general election to be held in
11 November 2020 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor.