

An Act

SENATE BILL 24-072

BY SENATOR(S) Gonzales, Bridges, Buckner, Coleman, Exum, Jaquez Lewis, Michaelson Jenet, Priola, Winter F., Fenberg; also REPRESENTATIVE(S) Rutinel and Brown, Boesenecker, deGruy Kennedy, Epps, Hamrick, Hernandez, Herod, Jodeh, Kipp, Lindsay, Lindstedt, Mabrey, Ortiz, Ricks, Sirota, Velasco, Weissman, Willford, Woodrow.

CONCERNING PROVISIONS TO ENSURE THAT CONFINED ELIGIBLE ELECTORS AT A COUNTY JAIL OR DETENTION CENTER MAY VOTE, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

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

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

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

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

1-7.5-113.5. Voting at county jails or detention centers - definition. (1) Each county clerk and recorder shall ~~make efforts to coordinate with the county sheriff or the county sheriff's designee~~ THE INDIVIDUAL WHO THE COUNTY SHERIFF HAS DESIGNATED AS THE SHERIFF'S DESIGNEE PURSUANT TO SECTION 30-10-529 at each county jail or detention center to facilitate voting for all confined eligible electors. THE CLERK AND RECORDER SHALL PROVIDE TRAINING AND TECHNICAL ASSISTANCE TO THE SHERIFF'S DESIGNEE AND SHALL, AT A MINIMUM, USE THE MATERIALS CREATED BY THE OFFICE OF THE SECRETARY OF STATE PURSUANT TO SECTION 1-1-107 (8).

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

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

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

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

(d) The number of confined eligible voters who registered to vote in the prior year and the number of confined eligible voters who voted in the last November election; AND

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

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

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

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

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

(4) (a) (I) FOR A GENERAL ELECTION, THE SHERIFF'S DESIGNEE SHALL

COORDINATE WITH THE COUNTY CLERK AND RECORDER TO PROVIDE, AT A MINIMUM, ONE DAY OF IN-PERSON VOTING FOR CONFINED ELIGIBLE ELECTORS AT THE COUNTY JAIL OR DETENTION CENTER. THE IN-PERSON VOTING MUST BE OPEN FOR AT LEAST SIX HOURS AND BE HELD ON ANY DAY BETWEEN THE FIFTEENTH DAY BEFORE ELECTION DAY AND THE FOURTH DAY BEFORE ELECTION DAY.

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

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

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

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

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

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

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

(VI) THE ABILITY FOR A CONFINED ELIGIBLE ELECTOR TO SUBMIT A

MAIL BALLOT CURE FORM PURSUANT TO SECTIONS 1-7.5-107 (3.5) AND 1-7.5-107.3 (1.5); AND

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

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

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

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

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

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

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

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

(3) THE DESIGNEE SHALL:

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

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

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

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

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

(f) ESTABLISH A LOCATION AT THE COUNTY JAIL OR DETENTION CENTER FOR CONFINED ELIGIBLE ELECTORS TO RETURN THEIR BALLOTS FOR COLLECTION BY A TEAM OF BIPARTISAN ELECTION JUDGES ACTING AT THE DIRECTION OF THE CLERK AND RECORDER PURSUANT TO SECTION 1-7.5-113.5 (3)(c)(I), AND PROVIDE INFORMATION TO CONFINED INDIVIDUALS CONCERNING THE METHODS BY WHICH BALLOTS CAN BE RETURNED, THE LOCATION IN THE COUNTY JAIL OR DETENTION CENTER WHERE BALLOTS CAN BE RETURNED, AND THE DEADLINES FOR RETURNING BALLOTS; AND

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

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

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

SECTION 5. Appropriation. (1) For the 2024-25 state fiscal year, \$167,400 is appropriated to the department of state. This appropriation consists of \$75,240 from the general fund and \$92,160 from the department of state cash fund created in section 24-21-104 (3)(b), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) \$75,240 from the General Fund for use by the elections division for local election reimbursement; and

(b) \$92,160 from the department of state cash fund for use by the information technology division for personal services.

SECTION 6. Applicability. This act applies to elections that are conducted on or after the effective date of this act.

SECTION 7. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for

the support and maintenance of the departments of the state and state institutions.

Steve Fenberg
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
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APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO