



## Elections

During the 2022 Legislative Session, several bills were introduced related to election administration and security, voter registration, initiatives and ballot measures, and campaign finance laws.

### Election Administration and Security

The legislature considered multiple bills that would impact the administration of Colorado's elections and election equipment and security.

Currently, all Coloradans registered to vote are sent mail ballots for each election that may be returned by mail or at a ballot box. Voters may also vote in person at a polling place. Colorado polls and drop boxes open before an election to allow early voting. [House Bill 22-1204](#) would have eliminated voting by mail, except for certain cases of absentee voting, and limited voting to only on election day. The bill also would have:

- required voters to present a state-issued identification in order to receive a ballot;
- required the use of an anti-fraud ballot paper;
- specified procedures for preparing sample ballots and sharing them in advance of the election with candidates and political parties;
- required county clerks to establish precincts and polling places;
- created new requirements for the approval, testing, certification, and use of electronic voting systems;

- required ballots to be counted by hand and for election results to be provided within 24 hours of polls closing;
- required that the state be withdrawn from participation in the Electronic Registration Information Center; and
- created felony or misdemeanor offenses for various unlawful acts related to voting.

The bill was postponed indefinitely by the House State, Civic, Military, & Veterans Affairs Committee.

[Senate Bill 22-153](#) made several changes to Colorado election security and related crimes. The bill:

- requires election staff and the Secretary of State (SoS) to obtain expanded mandated election training and certification;
- prohibits a person from serving as an election official if they have been convicted of committing, or conspiring to commit, certain offenses against the government;
- prohibits access to voting equipment by candidates for elective office, election officials, and the SoS, except under certain circumstances;
- requires elections governed by the state election code to use electronic voting systems to tabulate votes, except under certain circumstances;
- authorizes the SoS, after consultation with the board of county commissioners, to certify election results if a local canvassing board does not take action to certify the election results;

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- prohibits a county from creating or disclosing a voting system hard drive image without permission from the SoS;
- requires that counties use key card access and video surveillance for voting system access by June 30, 2023;
- creates a new grant program to cover local government costs to implement the bill's requirements; and
- requires the SoS to assist the state and counties with an election administration risk assessment.

The bill also creates new misdemeanor and felony charges for crimes related to election interference, and adjusts the charges for certain existing election tampering crimes.

*House Bill 22-1085* would have required that elections use paper ballots provided by accredited vendors that include specific ballot fraud countermeasures, and would have required the Department of State to pay county clerk and recorders for costs related to the bill. The bill was postponed indefinitely by the House State, Civic, Military, & Veterans Affairs Committee.

The legislature passed two bills regarding the safety of election officials and polling places. *House Bill 22-1273* makes it illegal to coerce or intimidate an election official in order to interfere with their official duties. The bill also prohibits a person from publishing personal information of election officials or their families on the internet, if such posting poses an obvious serious threat. An election worker may request that a state or local government official remove his or her personal information from the internet. And *House Bill 22-1086* makes it illegal for a person to openly carry a firearm within a polling location or within 100 feet of a drop box or polling location during voting. The bill also prohibits open carry of a firearm inside or near a central counting facility during any election

administration activity. The bill includes exceptions to the requirements, and makes a violation a misdemeanor.

### Voter Registration

*House Bill 22-1084* would have required that the State Court Administrator report to the SoS all persons who report as ineligible to serve as a juror due to citizenship or county of residence. The SoS must provide this information to each county clerk and recorder, and the voter registration of these electors must be cancelled. The bill was postponed indefinitely by the House State, Civic, Military, & Veterans Affairs Committee.

*Senate Bill 22-152* allows a voter to use the address of a residence that has been destroyed or is uninhabitable as his or her residence for voter registration, if the voter intends to return once the residence is habitable or rebuilt.

### Campaign Finance

Colorado law places campaign contribution limits for almost all candidates running in an election. *House Bill 22-1060* establishes contribution limits of \$2,500 from any individual and \$25,000 from a small donor committee for school district director candidates. School district directors include school board members. The contribution limits must be periodically adjusted for inflation, consistent with other contribution limits. The bill also specifies when and how a school district director candidate must disclose information on campaign contributions to the SoS.

*Senate Bill 22- 237* modifies the definition used to determine if an organization has acted as an issue committee and made financial contributions in support or opposition of a ballot issue, which must then be disclosed to the

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SoS. The bill also expands the definition of “earmark” to include an independent expenditure that supports or opposes a candidate, is used for electioneering communication, or is an expenditure greater than \$1,000; and requires individuals who contribute over \$5,000 in support or opposition of ballot issues to disclose the amount and purpose of the expenditure to the SoS.

### Initiatives and Ballot Measures

Legislative Council Staff (LCS) prepares a fiscal summary for all citizen-initiated measures when the initiative is heard by the Title Board. [Senate Bill 22-222](#) refers a measure to the 2022 ballot to require that the fiscal summary for any citizen-initiated measure that either increases or decreases the individual income tax rate include a tax information table. The tax information table must include the proposed tax change’s impact on different income categories. The table must appear in the printed title for the ballot measure set by the Title Board.

The Colorado constitution currently requires any petition for a citizen-initiated constitutional amendment to be signed by at least two percent of the registered electors who reside in each state senate district for the change to be placed on the ballot. If approved by the voters at the November 2022 general election, [House Concurrent Resolution 22-1001](#) would extend this requirement to a citizen-initiated statutory change. And [House Bill 22-1045](#) would have made conforming amendments to the elections code if House Concurrent Resolution 22-1001 were to pass. The resolution and bill were postponed indefinitely by the House State, Civic, Military, & Veterans Affairs Committee.

### Election of Commissioners

Under current law, several commissioners are appointed by the Governor. [House Bill 22-1161](#)

would have instead required that the following commissioners be elected, beginning with the 2024 election:

- the commissioner of insurance in the Department of Regulatory Agencies (DORA), pending voter approval of a referred measure;
- the nine members of the Air Quality Control Commission in the Department of Public Health and Environment;
- the five voting members of the Oil and Gas Conservation Commission in the Department of Natural Resources;
- the three members of the Public Utilities Commission in DORA.

Elected commissioners would have been required to disclose any potential conflicts of interest existing during their election or term. In their oaths of office, members of the Air Quality Control Commission and the Public Utilities Commission would have been required to commit to prioritizing energy reliability and reducing consumer costs. The bill was postponed indefinitely by the House State, Civic, Military, & Veterans Affairs Committee.