

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 13-0536.01 Bob Lackner x4350

HOUSE BILL 13-1038

HOUSE SPONSORSHIP

Rosenthal,

SENATE SPONSORSHIP

(None),

House Committees

State, Veterans, & Military Affairs
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE VOTING RIGHTS OF INDIVIDUALS IN THE CUSTODY OF**
102 **THE DIVISION OF YOUTH CORRECTIONS WITHIN THE**
103 **DEPARTMENT OF HUMAN SERVICES.**

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://www.leg.state.co.us/billsummaries>.)

In the case of any individual confined to a juvenile facility and in the custody of the division of youth corrections (division) in the department of human services who is 18 years of age or older on the date of the next election, the bill requires the administrator of the facility in

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.*

which the individual is confined to facilitate the registration for voting purposes of, and voting by, the individual. In connection with this requirement, the bill requires the administrator to provide the individual information regarding his or her voting rights and how the individual may register to vote and cast a mail or mail-in ballot, provide the individual with voter information materials upon the request of the individual, and ensure that any mail or mail-in ballot cast by the individual is timely delivered to the designated election official.

To facilitate the provision of identification documents required to enable such individuals to register to vote and to cast a ballot, the bill requires the administrator to collaborate with the secretary of state to compile a list of documents and forms of identification that are in the possession of the division or that individuals in the custody of the division are likely to have in their possession that would constitute an acceptable form of identification permitting such individuals to register to vote, cast a ballot at a polling place, or cast a mail ballot. The bill further requires the administrator and the secretary of state to post the list of documents and forms of identification in a prominent place on the public web sites maintained by the department of human services and the secretary, respectively. The bill also requires the secretary to provide notice to the county clerk and recorders as well as other designated election officials that these documents and other forms of identification constitute an acceptable form of identification permitting such individuals to exercise their voting rights as specified in the bill.

The bill exempts an administrator from any legal restriction on the number of mail or mail-in ballots an eligible elector may deliver in person to the designated election official.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-1-104, **add** (19.5)

3 (d) as follows:

4 **1-1-104. Definitions.** As used in this code, unless the context
5 otherwise requires:

6 (19.5) (d) VERIFICATION THAT A VOTER IS COMMITTED TO A
7 JUVENILE FACILITY AND IN THE CUSTODY OF THE DIVISION OF YOUTH
8 CORRECTIONS IN THE DEPARTMENT OF HUMAN SERVICES SHALL BE
9 CONSIDERED SUFFICIENT IDENTIFICATION OF SUCH VOTER FOR THE
10 PURPOSES OF SECTION 1-2-210.5.

1 **SECTION 2.** In Colorado Revised Statutes, **add** 1-2-210.5 as
2 follows:

3 **1-2-210.5. Registration of and voting by persons in custody of**
4 **division of youth corrections - definitions.** (1) IN THE CASE OF ANY
5 INDIVIDUAL COMMITTED TO A JUVENILE FACILITY AND IN THE CUSTODY OF
6 THE DIVISION OF YOUTH CORRECTIONS IN THE DEPARTMENT OF HUMAN
7 SERVICES CREATED IN SECTION 19-2-203 (1), C.R.S., WHO IS EIGHTEEN
8 YEARS OF AGE OR OLDER ON THE DATE OF THE NEXT ELECTION, THE
9 ADMINISTRATOR OF THE FACILITY IN WHICH THE INDIVIDUAL IS
10 COMMITTED SHALL FACILITATE THE REGISTRATION FOR VOTING PURPOSES
11 OF, AND VOTING BY, THE INDIVIDUAL. IN CONNECTION WITH THIS
12 REQUIREMENT, THE ADMINISTRATOR SHALL PROVIDE THE INDIVIDUAL
13 INFORMATION REGARDING HIS OR HER VOTING RIGHTS AND HOW THE
14 INDIVIDUAL MAY REGISTER TO VOTE AND CAST A MAIL OR MAIL-IN
15 BALLOT, PROVIDE THE INDIVIDUAL WITH VOTER INFORMATION MATERIALS
16 UPON THE REQUEST OF THE INDIVIDUAL, AND ENSURE THAT ANY MAIL OR
17 MAIL-IN BALLOT CAST BY THE INDIVIDUAL IS TIMELY DELIVERED TO THE
18 DESIGNATED ELECTION OFFICIAL.

19 (2) THE ADMINISTRATOR AND THE SECRETARY OF STATE SHALL
20 POST THE TYPE OR KIND OF THE VERIFICATION SATISFYING THE
21 REQUIREMENTS OF SECTION 1-1-104 (19.5) (d) IN A PROMINENT PLACE ON
22 THE PUBLIC WEB SITES MAINTAINED BY THE DEPARTMENT OF HUMAN
23 SERVICES AND THE SECRETARY, RESPECTIVELY. THE SECRETARY SHALL
24 PROVIDE NOTICE TO THE COUNTY CLERK AND RECORDERS AS WELL AS
25 OTHER DESIGNATED ELECTION OFFICIALS THROUGHOUT THE STATE THAT
26 SUCH VERIFICATION CONSTITUTES AN ACCEPTABLE FORM OF
27 IDENTIFICATION UNDER SECTION 1-1-104 (19.5) PERMITTING THE

1 INDIVIDUALS POSSESSING SUCH IDENTIFICATION TO REGISTER TO VOTE AND
2 CAST A BALLOT.

3 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN
4 ADMINISTRATOR IS EXEMPT FROM ANY RESTRICTION UNDER LAW ON THE
5 NUMBER OF MAIL OR MAIL-IN BALLOTS AN ELIGIBLE ELECTOR MAY
6 DELIVER IN PERSON TO THE DESIGNATED ELECTION OFFICIAL.

7 (4) AS USED IN THIS SECTION:

8 (a) "ADMINISTRATOR" MEANS THE ADMINISTRATOR, OR HIS OR HER
9 DESIGNEE, OF THE DIVISION OF YOUTH CORRECTIONS CREATED IN SECTION
10 19-2-203 (1), C.R.S., A RESIDENTIAL FACILITY OPERATED BY THE DIVISION
11 OF YOUTH CORRECTIONS, OR A RESIDENTIAL FACILITY THAT CONTRACTS
12 WITH THE DIVISION OF YOUTH CORRECTIONS IN WHICH A PERSON
13 COMMITTED TO THE COLORADO DEPARTMENT OF HUMAN SERVICES IS
14 ELIGIBLE TO REGISTER TO VOTE AND CAST A BALLOT.

15 (b) (I) "VOTER INFORMATION MATERIALS" MEANS THE FOLLOWING
16 DOCUMENTS, AS APPLICABLE TO THE ELECTION FOR WHICH THE
17 INDIVIDUAL SEEKS TO REGISTER TO VOTE AND CAST A BALLOT:

18 (A) ANY FORMS USED TO REGISTER AN ELECTOR UNDER THIS PART
19 2;

20 (B) AN APPLICATION FOR A MAIL-IN BALLOT PURSUANT TO
21 SECTION 1-8-104;

22 (C) A COPY OF A BALLOT INFORMATION BOOKLET DESCRIBED IN
23 SECTION 1-40-124.5; AND

24 (D) ANY MAILINGS TO ELECTORS THAT ARE DESCRIBED IN SECTION
25 1-40-125.

26 (II) UPON AN ADMINISTRATOR'S WRITTEN REQUEST TO THE
27 LEGISLATIVE COUNCIL STAFF OR A COUNTY CLERK AND RECORDER FOR

1 COPIES OF THE DOCUMENTS SPECIFIED IN SUB-SUBPARAGRAPH (C) OR (D)
2 OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), THE LEGISLATIVE COUNCIL
3 STAFF OR COUNTY CLERK AND RECORDER, AS APPLICABLE, SHALL TIMELY
4 PROVIDE COPIES OF THE DOCUMENTS TO THE ADMINISTRATOR IN A
5 SUFFICIENT NUMBER TO COVER THE NUMBER OF INDIVIDUALS WHO ARE
6 AUTHORIZED TO REGISTER AND VOTE UNDER THIS SECTION AND WHO ARE
7 EITHER RESIDING IN THE ADMINISTRATOR'S FACILITY OR UNDER THE
8 SUPERVISION OF THE ADMINISTRATOR'S PROGRAM.

9 **SECTION 3.** In Colorado Revised Statutes, 19-2-203, **add** (3) as
10 follows:

11 **19-2-203. Division of youth corrections - created - interagency**
12 **agreements - duties of administrators of facilities in connection with**
13 **voter registration and casting of ballots.** (3) (a) THIS SUBSECTION (3)
14 APPLIES TO ANY INDIVIDUAL COMMITTED TO A JUVENILE FACILITY AND IN
15 THE CUSTODY OF THE DIVISION OF YOUTH CORRECTIONS WHO IS EIGHTEEN
16 YEARS OF AGE OR OLDER ON THE DATE OF THE NEXT ELECTION.

17 (b) THE ADMINISTRATOR OF A FACILITY IN WHICH AN INDIVIDUAL
18 DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3) IS COMMITTED
19 SHALL FACILITATE THE VOTING RIGHTS OF THE INDIVIDUAL. IN
20 CONNECTION WITH SUCH REQUIREMENTS, THE ADMINISTRATOR SHALL
21 PROVIDE THE INDIVIDUAL INFORMATION REGARDING HIS OR HER VOTING
22 RIGHTS AND HOW THE INDIVIDUAL MAY REGISTER TO VOTE AND CAST A
23 MAIL OR MAIL-IN BALLOT, PROVIDE THE INDIVIDUAL WITH VOTER
24 INFORMATION MATERIALS UPON THE REQUEST OF THE INDIVIDUAL, AND
25 ENSURE THAT ANY MAIL OR MAIL-IN BALLOT CAST BY THE INDIVIDUAL IS
26 TIMELY DELIVERED TO THE DESIGNATED ELECTION OFFICIAL. FOR
27 PURPOSES OF THIS SUBSECTION (3), "ADMINISTRATOR" AND "VOTER

1 INFORMATION MATERIALS" HAVE THE SAME MEANING AS SET FORTH IN
2 SECTION 1-2-210.5 (4), C.R.S. NOTWITHSTANDING ANY OTHER PROVISION
3 OF LAW, TO SATISFY THE REQUIREMENTS OF THIS PARAGRAPH (b), THE
4 ADMINISTRATOR IS EXEMPT FROM ANY RESTRICTION UNDER LAW ON THE
5 NUMBER OF MAIL OR MAIL-IN BALLOTS AN ELIGIBLE ELECTOR MAY
6 DELIVER IN PERSON TO THE DESIGNATED ELECTION OFFICIAL.

7 (c) THE ADMINISTRATOR AND THE SECRETARY OF STATE SHALL
8 POST THE TYPE OR KIND OF THE VERIFICATION SATISFYING THE
9 REQUIREMENTS OF SECTION 1-1-104 (19.5) (d), C.R.S., IN A PROMINENT
10 PLACE ON THE PUBLIC WEB SITES MAINTAINED BY THE DEPARTMENT OF
11 HUMAN SERVICES AND THE SECRETARY, RESPECTIVELY. THE SECRETARY
12 SHALL PROVIDE NOTICE TO THE COUNTY CLERK AND RECORDERS AS WELL
13 AS OTHER DESIGNATED ELECTION OFFICIALS THROUGHOUT THE STATE
14 THAT SUCH VERIFICATION CONSTITUTES AN ACCEPTABLE FORM OF
15 IDENTIFICATION UNDER SECTION 1-1-104 (19.5), C.R.S., PERMITTING THE
16 INDIVIDUALS POSSESSING SUCH IDENTIFICATION TO REGISTER TO VOTE AND
17 CAST A BALLOT.

18 **SECTION 4. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, and safety.