

Summary of Elections-Related Bills, 2008 Session

Signed into Law			
Bill Number:	HB 08-1003	Short Title:	Special Congressional Vacancy Election
Sponsors:	<i>Rep. Balmer</i> <i>Sen. Tupa</i>	Status:	Signed into law
<p>The act requires the governor to issue a proclamation setting a date for a special Congressional vacancy election when the Speaker of the U.S. House of Representatives declares that vacancies exist in more than 100 Congressional offices, including one or more from Colorado. The act requires the special election to take place on a Tuesday not more than 49 days after the declaration, unless a general election for the office is scheduled to be held within 75 days of the declaration.</p> <p>Under the act, candidates for the special election must be nominated not later than 10 days after the declaration, and unaffiliated candidates must file a notice of intent and filing fee of \$500 with the Secretary of State. The act allows the Secretary of State to promulgate rules to administer the provisions of the act, and adjust statutory deadlines to ensure the act's time line for the special election is met. Current law requires that such special elections be held between 75 and 90 days after the vacancy occurs, unless a general election is to take place within 75 days of the declaration.</p>		<p><i>State Appropriations:</i></p> <p>The act is assessed as having no fiscal impact. Although the act could increase election costs and fee revenue to the state, current law already requires a special election to fill Congressional vacancies. The likelihood of 100 vacancies in the U.S. House of Representatives is remote, except in the case of a catastrophe.</p>	
Bill Number:	HB 08-1041	Short Title:	Campaign Finance Enforcement
Sponsors:	<i>Rep. Carroll M.</i> <i>Sen. Gordon</i>	Status:	Signed into law
<p>The act allows a person who believes a violation of the Secretary of State's rules, concerning campaign or political finance or the state Fair Campaign Practices Act (FCPA), has occurred to file a written complaint with the Secretary of State not later than 180 days after the violation. Under the act, the complaint is subject to the procedures specified in Article XXVIII of the state constitution. The act specifies that any person who commits a violation of the Secretary of State's rules or the FCPA that is not listed in the FCPA is subject to the sanctions specified in Article XXVIII of the Colorado Constitution. The act also requires that, before awarding attorney fees for an action brought to enforce Article XXVIII of the Colorado Constitution, a court or administrative law judge must consider state law disallowing attorney fees for certain voluntary dismissals of claims or instances where a party appearing without an attorney knew or should have known that his or her action was frivolous or groundless.</p>		<p><i>State Appropriations:</i></p> <p>The act is assessed as having no fiscal impact. Although expanding the grounds for filing a complaint with the Secretary of State could potentially increase costs for conducting administrative hearings, any increase is expected to be minimal.</p>	

Summary of Elections-Related Bills, 2008 Session (Cont.)

Signed into Law (Cont.)			
Bill Number:	HB 08-1128	Short Title:	Signature Verification Technology In Election
Sponsors:	<i>Rep. Marostica Sen. Gordon</i>	Status:	Signed into law
<p>The act grants county clerk and recorders access to the digitized signatures in the statewide voter registration system for the purpose of comparing an elector's signature in the system with the signature on the return envelope of a mail-in ballot or mail ballot, including through the use of a signature verification device. For a primary, coordinated mail ballot, or general election, the act allows election judges to compare an elector's signature on the return envelope of a mail-in ballot or mail ballot with either the elector's signature in the statewide voter registration system or the signature on file in the office of the county clerk and recorder.</p> <p>The act allows designated election officials to permit the use of a signature verification device by an election judge to compare the signatures, and deems the signatures verified if the device determines that the signatures match. If the signature verification device is unable to determine a signature match, HB 08-1128 requires an election judge to compare the signatures. The act requires the Secretary of State to adopt rules establishing procedures for using signature verification devices to process mail-in and mail ballots. The act stipulates that a flap is not required to cover the signature on a return envelope of a mail-in or mail ballot.</p>		<p>State Appropriations:</p> <p>The act is assessed as having a local fiscal impact. Counties choosing to purchase signature-matching equipment could reduce costs for election judges.</p>	

Summary of Elections-Related Bills, 2008 Session (Cont.)

Signed into Law (Cont.)	
<p>Bill Number: HB 08-1155</p> <p>Sponsors: <i>Reps. Balmer and Marshall</i> <i>Sens. Gordon and Johnson</i></p>	<p>Short Title: Voting Systems Certification For 2008</p> <p>Status: Signed into law</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 55%; padding: 5px;"> <p>Without relaxing existing standards for voting system certification, the act allows the Secretary of State to amend or rescind any orders issued by the Secretary of State on December 17, 2007, regarding voting systems certification. If the Secretary of State amends or rescinds an order decertifying a voting system, the act requires the secretary to test the system to ensure that deficiencies identified in the decertifying order have been resolved or mitigated, and requires the secretary to issue a statement citing the specific reasons for amending or rescinding the order. The act requires the Secretary of State to send a copy of any decision to amend or rescind an order to the House and Senate State, Veterans, and Military Affairs committees, and the designated election official for any political subdivision that uses the voting system subject to the decision.</p> <p>The act allows the Secretary of State to permit or require additional testing of a voting system subject to a decision to amend or rescind an order, and allows the secretary to communicate with system vendors and county clerk and recorders to ensure the system's accuracy, security, and accessibility. During additional testing, the act allows a county clerk and recorder to designate an employee from his or her office to operate the voting system, and subjects any additional testing to state open meetings and open records laws. The act requires the Secretary of State to consider any information obtained from the testing or communication in a decision to amend or rescind an order. Finally, in deciding whether to amend or rescind a decision, the act requires the Secretary of State to consider the accuracy and security procedures, audits, processing functions, and other relevant procedures used by county clerk and recorders in accordance with election laws and rules.</p> <p>The act also authorizes a political subdivision to purchase or use any other voting system that meets standards in state law and the rules of the Secretary of State. The act applies only to elections held in 2008.</p> </div> <div style="width: 40%; padding: 5px;"> <p>State Appropriations:</p> <p>The bill is assessed as having no fiscal impact. The Secretary of State has already been conducting additional testing and communicating with counties, vendors, and the legislature.</p> </div> </div>
<p>Bill Number: HB 08-1233</p> <p>Sponsors: <i>Rep. Judd</i></p>	<p>Short Title: Attribute Contributions Limited Liability Companies</p> <p>Status: Signed into law</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 55%; padding: 5px;"> <p>The act amends provisions of the Fair Campaign Practices Act. It requires a limited liability company (LLC) to provide information to a candidate committee, political committee, or political party receiving a campaign contribution from the LLC. The LLC is to specify the amount of the contribution to be attributed among the LLC's members based on each member's share of capital invested in the LLC on the date the contribution is made. For a single-member LLC, the contribution is attributed to the sole member under the act. Under current law, the LLC may dictate how the contribution is allocated among its members. The act also requires campaign finance disclosures involving an LLC to include each contribution from the LLC regardless of dollar amount.</p> </div> <div style="width: 40%; padding: 5px;"> <p>State Appropriations:</p> <p>The act is assessed as having no fiscal impact. It does not change the number of reports filed with the Secretary of State or the complexity of those reports.</p> </div> </div>

Summary of Elections-Related Bills, 2008 Session (Cont.)

Signed into Law (Cont.)	
Bill Number: HB 08-1329	Short Title: Inactive Registration & Mail Ballot Elections
Sponsors: <i>Rep. Marshall</i> <i>Sen. Gordon</i>	Status: Signed into law
<p>The act stipulates that, not less than 90 days prior to a mail ballot election, a county clerk and recorder must mail a voter information card to any registered elector whose registration record has been marked "inactive - failed to vote," which designation is for those registered electors deemed active that failed to vote in a general election. An elector whose previous communication from the county clerk and recorder was returned as undeliverable by the U.S. postal service is referred in the county's voter registration records as "inactive - undeliverable." The act allows the county clerk and recorder to include the voter information card as part of the voter information card currently required by law. The voter information card is required to be sent to the elector's address of record unless the elector requests that it be sent to the elector's deliverable mailing address, and the card is to be marked "do not forward."</p> <p>Voter information cards sent to registered electors whose registration records are marked "inactive - failed to vote" that are returned by the U.S. postal service as undeliverable will have their registration records marked as "inactive - undeliverable" under HB 08-1329. Under current law, an elector is deemed inactive if a voter information card mailed by a clerk and recorder to the elector's address is returned as undeliverable, or if an elector fails to vote in a general election.</p> <p>For mail ballot elections conducted in July 2008 or thereafter, the act stipulates that mail ballots returned by the U.S. postal service as undeliverable will result in the registration records of those electors whose ballots were returned being marked as "inactive - undeliverable." For mail ballot elections conducted in November 2009, the act requires a mail ballot to be mailed to all registered electors whose registration records are marked "inactive - failed to vote," but prohibits such mailings to those whose records are marked "inactive - undeliverable."</p> <p>For the purposes of redistricting, the act requires that precinct boundaries established by a county clerk and recorder for a general election in a year ending in eight remain in effect until after the following general election in a year ending in zero, while allowing adjacent precincts to be aggregated for the purposes of data collection. When these precincts are changed pursuant to federal law, the act requires county clerk and recorders to submit a list of the precincts for which the boundaries have changed to the Director of Research of the Legislative Council.</p>	<p>State Appropriations:</p> <p style="padding-left: 40px;">The act will increase costs for county clerk and recorders, both for mailing and printing ballots.</p>

Summary of Elections-Related Bills, 2008 Session (Cont.)

Signed into Law (Cont.)			
Bill Number:	HB 08-1345	Short Title:	Vacancies In Elective Offices
Sponsors:	<i>Reps. Weissmann and Butcher Sen. Tapia</i>	Status:	Signed into law
<p>The act extends from 10 to 30 the number of days a vacancy committee has to fill a vacancy in the General Assembly. The act also extends from six to ten the number of days before a vacancy committee meeting that written notice of the meeting must be sent to committee members. The act requires that the oath of office be administered to the person filling the vacancy within 30 days of the receipt of the Secretary of State's certification of the person's name to the appropriate house, or on the convening date of the General Assembly, whichever occurs first. The act allows the President of the Senate or the Speaker of the House of Representatives to extend the time period for taking the oath if extenuating circumstances prevent the person from taking the oath within the 30-day limit. If the person does not take the oath within the prescribed time period, the seat is deemed vacant, and must be filled by the appropriate vacancy committee. The act does not reduce the number of consecutive terms that an appointee to the General Assembly may serve under the Colorado Constitution.</p> <p>Under the act, a vacancy committee charged with filling a vacancy in the office of county commissioner must do so by a majority vote of its membership at a meeting called for that purpose. Current law stipulates that a majority vote of a quorum is required for the vacancy committee to fill the office. The act does not allow votes by proxy to fill a county commissioner vacancy, and sets a quorum for the meeting at half the membership of the vacancy committee. The act also requires written notice of the meeting to be mailed to each member of the vacancy committee at least six days before the meeting.</p> <p>Finally, the act extends from 10 to 30 the number of days a vacancy committee has to certify to the Secretary of State a selection to fill a vacancy on the State Board of Education. If a vacancy committee fails to fill this office within 30 days, the governor must fill the vacancy within 35 days after the vacancy. In the case of a member-elect of the State Board of Education who dies before taking office, a vacancy committee must meet within 30 days after the death to fill the vacancy.</p>		<p>State Appropriations:</p> <p>The act is assessed as having no fiscal impact. It extends deadlines for appointing replacements for certain elective offices, but it will not directly affect state or local government revenue or expenditures.</p>	

Summary of Elections-Related Bills, 2008 Session (Cont.)

Signed into Law (Cont.)			
Bill Number:	HB 08-1378	Short Title:	Ranked Voting Methods
Sponsors:	<i>Rep. Kefalas Sen. Gordon</i>	Status:	Signed into law
<p>The act allows a statutory municipality or special district to conduct an election using a ranked voting method if its charter allows it to do so, and if the election is conducted using a voting system that can accommodate ranked voting and that is approved by the governing body and designated election official of that government. Current law allows home rule municipalities to use ranked voting in elections. The act defines "ranked voting method" as a method of casting and tabulating votes that allows electors to rank candidates for an office by preference to determine an election winner. Ranked voting eliminates the need for a separate runoff election in a multi-candidate race to determine the majority winner instead of the plurality winner. Ranked voting methods include instant runoff voting and the single transferable vote method, as described by the act.</p> <p>The act specifies the number of choices an elector is allowed to rank per election contest, including write-in candidates. The act also specifies which type of ranked voting method is to be used for an election, as follows:</p> <ul style="list-style-type: none"> • for an election in which one candidate is to be elected to an office, instant runoff voting; or • for an election in which more than one candidate is to be elected to an office in a multiple-seat district or on a governing body that has multiple at-large seats, the single transferable vote method. The act also allows a local government to conduct an election under these circumstances using the principles of instant runoff voting to ensure that each elector has equal voting power and that an elector's lower ranking of a candidate does not count against the candidate to whom the elector gave the highest rank. <p>Under the act, a local government holding an election using a ranked voting method must post an explanation of ranked voting at each polling place, provide instructions with each mail-in ballot, and conduct a voter education campaign to familiarize electors with ranked voting. The act directs election judges to deliver ballots to the canvass board for counting. The act directs the Secretary of State to adopt rules on ranked voting methods and provide guidance to local governments on conducting elections using ranked voting methods. Municipalities and special districts are authorized to elect their officers using ranked voting methods under House Bill 08-1378. The act further requires the Secretary of State to submit a report assessing elections conducted using ranked voting at the local level, along with recommendations, to the House and Senate State, Veterans, and Military Affairs committees. The act also requires a designated election official for a local government that has conducted an election using a ranked voting method to issue certain reports on the election.</p>		<p>State Appropriations:</p> <p>The act is assessed as having no state fiscal impact, as duties required of the Secretary of State can be performed within existing resources. The act will affect election costs for those local governments that choose to conduct elections using ranked voting, but those costs are unknown.</p>	

Summary of Elections-Related Bills, 2008 Session (Cont.)

Signed into Law (Cont.)	
Bill Number: HB 08-1401	Short Title: Voter Info Card To Each Eligible Voter
Sponsors: <i>Rep. Marshall</i> <i>Sen. Gordon</i>	Status: Signed into law
The act requires a county clerk and recorder to send, no later than 25 days before a general or special legislative election, a voter information card by forwardable mail to each active registered eligible elector of the county. The act also requires that the card be sent by nonforwardable mail to each inactive registered eligible elector, except for those electors deemed inactive by the clerk and recorder prior to the 2006 general election, and those whose previous communication from the clerk and recorder was returned as undeliverable. Under the act, the Secretary of State must reimburse each county for the cost of sending voter information cards to inactive registered electors before the 2008 general election.	<p>State Appropriations:</p> <p style="margin-left: 40px;">To implement this act, the Department of State was appropriated \$150,000 for FY 2008-09 from the Department of State Cash Fund.</p>

Summary of Elections-Related Bills, 2008 Session (Cont.)

Signed into Law (Cont.)

Bill Number: **SB 08-243** Short Title: **Election Reform Commission**

Sponsors: *Sen. Gordon* Status: Signed into law
Rep. Carroll M.

The act creates the Election Reform Commission, consisting of 11 members appointed by the following:

- 2 by the President of the Senate;
- 2 by the Minority Leader of the Senate;
- 2 by the Speaker of the House of Representatives;
- 2 by the Minority Leader of the House;
- 1 by the Governor;
- 1 by the Secretary of State; and
- 1 jointly by the Speaker of the House and President of the Senate, who serves as the commission's chairperson.

The act requires that these officials consider appointing persons with experience and expertise in election administration, computer science, statistics and auditing, engineering and systems analysis, and accessibility of voting systems to persons with disabilities. Members of the commission will serve without compensation and expense reimbursement. The commission can receive assistance from the Office of Legislative Legal Services and Legislative Council Staff. The chairperson is required to call the first meeting of the commission no later than November 14, 2008. The chairperson is also required to determine the commission's schedule of meetings, with public testimony and input required during at least two of the commission's meetings.

According to the act, the mission of the Election Reform Commission is "to review, research, and make recommendations to ensure that every eligible citizen has the opportunity to register to vote, participate in fair, accessible, and impartial elections, and have the assurance that his or her vote will count." The act requires the commission to review the manner in which state and local elections are conducted, and recommend changes to state election law to protect the right to vote by ensuring that elections in Colorado are accurate, secure, transparent, verifiable, recountable, auditable, and accessible. The review may address, but is not limited to, the following subjects:

- issues involving electronic voting systems that have arisen in Colorado and other states since the enactment of the federal Help America Vote Act (HAVA);
- the standards, criteria, and procedures by which rules and guidelines for the certification of electronic voting systems are adopted in the state;
- the manner in which electronic voting systems are certified in Colorado;
- public access to the certification process and to electronic voting system software;

State Appropriations:

To implement this act, the Department of State will require an appropriation of \$19,709 for FY 2008-09 from the Department of State Cash Fund if the Speaker of the House of Representatives and the President of the Senate authorize legislative staff to assist the election reform commission in fulfilling its duties.

Summary of Elections-Related Bills, 2008 Session (Cont.)

Signed into Law (Cont.)			
Bill Number:	SB 08-243 (Cont.)	Short Title:	Election Reform Commission
Sponsors:	<i>Sen. Gordon</i> <i>Rep. Carroll M.</i>	Status:	Signed into law
<ul style="list-style-type: none"> • technology that enables persons with disabilities to vote independently and in compliance with HAVA; • the short-term and long-term costs of purchasing, maintaining, and operating electronic voting systems; • the reliability and integrity of electronic and other voting systems; • the security, accuracy, and efficiency of the systems and methods used to register electors and to maintain voter registration records; • issues related to the conduct of elections in special districts; • whether the state should adopt a uniform voting system for all counties; • whether the auditing and recounting procedures in current law provide statistical confidence to electors and candidates; • the number of electors who show a form of identification not containing a photograph when voting at a polling place, and the number of electors who show each form of such identification, based on information received from county clerk and recorders; • other issues related to the accuracy, security, transparency, verifiability, recountability, auditability, and accessibility of elections in the state; • alternative methods of conducting elections; and • the feasibility and desirability of creating a permanent election reform commission. <p>The act requires the Election Reform Commission to present a final report to the State, Veterans, and Military Affairs committees of the House and Senate by March 1, 2009, with the commission's recommended changes to state election law and an analysis of the fiscal impact and technical feasibility of the recommended changes.</p>			

Summary of Elections-Related Bills, 2008 Session (Cont.)

Adopted			
Bill Number:	SCR 08-003	Short Title:	Limit Change Initiative CRS & Filing Deadline
Sponsors:	<i>Sen. Tapia</i> <i>Rep. White</i>	Status:	Adopted
<p>The act refers a constitutional amendment to the ballot for the 2008 general election that would change the minimum number of signatures required for proposed citizen-initiated ballot measures as follows:</p> <ul style="list-style-type: none"> • for a proposed statutory change to law, the proposed amendment reduces the number of required signatures from 5 percent of votes cast in the previous election for the office of Secretary of State to 4 percent of votes cast for the office of Governor; • for a proposed amendment to the State Constitution, the proposed amendment increases the number of required signatures from 5 percent of votes cast in the previous election for the office of Secretary of State to 6 percent of votes cast for the office of Governor. The act requires that at least 8 percent of the required signatures be gathered from registered electors who reside in each of Colorado's Congressional districts. <p>A statutory initiative must be filed within nine months, rather than the current six months, from the date that its ballot title is set under the proposed amendment. The proposed amendment stipulates that the General Assembly cannot amend, repeal, or supersede a law enacted by initiative for five years unless such change is approved by two-thirds of the membership of each house. There is no current protection against the General Assembly amending an initiated statute, and such an amendment can be made by simple majority.</p> <p>The proposed amendment changes the time line for the "review and comment" phase of the initiative process, and allows for comment by the public and members of the General Assembly at the review and comment hearing for an initiative. The proposed amendment also requires drafts of proposed initiated constitutional amendments to be submitted to Legislative Council Staff and the Office of Legislative Legal Services no later than the 60th day of the legislative session prior to the election at which the initiative is to be voted upon, and allows the General Assembly to hold public hearings to review an initiated constitutional amendment, with public testimony.</p>		<p>State Appropriations:</p> <p>To implement this bill, the Department of State will require an appropriation of \$40,200 for FY 2008-09 from the Department of State Cash Fund to cover costs associated with an increased number of ballot petitions requiring signature verification by the Secretary of State.</p>	

Summary of Elections-Related Bills, 2008 Session (Cont.)

Adopted (Cont.)	
Bill Number: HR 08-1006	Short Title: Support Regional Presidential Primary
Sponsors: <i>Rep. Balmer</i>	Status: Adopted
The resolution expresses support for the Rotating Regional Presidential Primaries Plan endorsed by the National Association of Secretaries of State and encourages Colorado's participation in those regional primaries commencing in 2012. Copies of the resolution will be sent to the President and Vice President of the United States, each member of Colorado's Congressional delegation, the Colorado Secretary of State, the chairs of the Colorado Democratic and Republican parties, and the National Association of Secretaries of State.	State Appropriations: Not applicable.
Lost	
Bill Number: HCR 08-1001	Short Title: Vacancy Committees For Elective Offices
Sponsors: <i>Rep. Weissmann</i> <i>Sen. (None)</i>	Status: Lost in House
The resolution would have removed the governor's current authority, which requires the consent of the Senate, to fill vacancies in the offices of secretary of state, state treasurer, attorney general, and district attorney, and granted authority to fill vacancies in these offices to vacancy committees of the same political party as the vacating officer. The resolution would have required vacancy committees to fill vacancies in these offices within 30 days after the office becomes vacant, up from 10 days under current law. The resolution required a vacancy in a county office to be filled by a vacancy committee of the same political party as the vacating officer, bringing vacancy appointments for these offices into alignment with current practice for filling a vacancy in the office of county commissioner. The resolution required vacancy committees to fill these offices within 30 days after the office becomes vacant, up from 10 days. Under the resolution, if a vacancy committee failed to fill the vacancy within 30 days, the governor was to fill the vacancy within 35 days after the office became vacant.	State Appropriations: The resolution was assessed as having no fiscal impact. However, the placing of a question on the statewide ballot would have driven costs associated with newspaper publication and the ballot information booklet that would have been covered under existing appropriations.

Summary of Elections-Related Bills, 2008 Session (Cont.)

Lost (Cont.)

Bill Number: **SB 08-040** Short Title: **Online Voter Registration**
Sponsors: *Sen. Gordon* Status: Deemed lost in the Senate
Rep. (None)

The bill, as amended by the Senate State, Veterans, and Military Affairs Committee, would have allowed a qualified elector to register to vote, make a change of address on the registration record, change or withdraw his or her political affiliation, or apply for permanent mail-in voter status by completing an electronic form on the official web site of the Secretary of State if the elector's signature is stored in digital form in one of the databases maintained by the Department of State. Included in these resources are data from the driver's license database provided by the Department of Revenue.

By June 1, 2009, the bill would have required the Secretary of State to make available on the secretary's official web site, electronic forms that allow registered electors to register to vote, to change their residence, to change or withdrawal of affiliation, or to apply for permanent mail-in voter status. The voter registration form was to include the following:

- questions regarding the elector's identifying information and eligibility to register to vote, along with a place to respond;
- a place for the elector to input additional information necessary to locate the elector's signature in the databases maintained by the Department of State, and a place for the elector to agree to the use of the signature for voter registration purposes; and
- a self-affirmation that the elector is qualified to register to vote and that the information entered on the electronic application is true.

The bill would have required the remaining forms to include the following information:

- for the change-of-address form, the elector's new residential address, mailing address if different than the residential address, old address, printed name, birth date, signature, and, on a voluntary basis, social security number, along with the date;
- for the change- or withdrawal-of-affiliation form, the elector's printed name, address, birth date, signature, and, on a voluntary basis, social security number, along with the date, the elector's previous affiliation, and the elector's requested change in affiliation; and
- for the application for permanent mail-in voter status, the applicant's printed name, signature, residential address, mailing address if the applicant wishes to receive the mail-in ballot by mail, and date of birth.

When an elector completed one of the electronic forms, the bill would have required the Secretary of State to search for the elector's signature in the databases, and, if the signature was found, add the elector to the statewide voter registration list, or make the requested changes to the elector's registration record, affiliation, or permanent mail-in status, as applicable. Under the bill, a voter registration, change of residence, change or withdrawal of voter affiliation, or application for permanent mail-in voter status would have applied to an election if the electronic form is completed no later than 29 days before the election.

State Appropriations:

For FY 2008-09, the Department of State would have required a cash fund appropriation of \$28,000 from the Department of State Cash Fund for computer programming.

Summary of Elections-Related Bills, 2008 Session (Cont.)

Postponed Indefinitely			
Bill Number:	SB 08-189	Short Title:	Paper Ballots In 2008 Elections
Sponsors:	<i>Sens. Gordon and McElhany Reps. May M. and Madden</i>	Status:	Postponed Indefinitely in Senate Appropriations
<p>The bill, as amended by the Senate State, Veterans, and Military Affairs Committee, would have required the primary and general elections in 2008 to be conducted primarily by paper ballot or paper ballot card, subject to state and federal requirements regarding accessibility for individuals with disabilities. The bill would have required a designated election official to deliver to each polling place paper ballots or cards in an amount equal to or greater than the expected voter turnout for the polling place. Under the bill, each eligible elector was to be offered a paper ballot or ballot card, and use of a direct electronic voting device would have been allowed only upon request by an eligible elector. The bill allowed electromechanical voting systems that allow voters to mark a paper ballot card and electronic vote-tabulating systems that count paper ballots or ballot cards to be used in the 2008 primary and general elections, if certified by the Secretary of State. The bill also allowed political subdivisions to purchase voting systems or equipment in 2008 that meets standards promulgated in 2002 by the Federal Election Commission. The clerk and recorder of each county would have been required to provide information to the electors of the county on the methods and procedures of voting in the 2008 primary and general elections.</p> <p>The bill would have required the state to reimburse counties for any additional costs associated with the use of paper ballots in the 2008 primary and general elections, as determined by the Secretary of State, and would have required the General Assembly to appropriate moneys to the Department of State for this purpose. The bill allowed the Secretary of State to use moneys from the Federal Elections Assistance Fund, along with other federal moneys, to reimburse the counties. The bill also required the state to reimburse counties for ballot measure elections in amounts based on the number of registered electors in each county.</p> <p>For 2008, the bill would have extended the right to participate as a poll watcher beyond designees of parties, issue committees, and unaffiliated candidates on the ballot to other eligible electors of a county by requiring the Secretary of State to adopt rules facilitating a transparent process by which the electors could poll watch. The bill also would have extended poll watching to the counting of early and mail-in ballots. The bill would have required persons observing polling to take an oath to not disclose the results of ballot counting until the polls closed. An amendment to the bill would have increased the number of poll watchers designated by an interested party for a single polling place from one to two.</p>		<p>State Appropriations:</p> <p>The bill would have required an appropriation of \$4.3 million, including \$4.0 million in General Fund moneys and \$0.3 million from the Department of State Cash Fund. The money would have covered reimbursement to counties for increased election costs associated with the bill.</p>	

Summary of Elections-Related Bills, 2008 Session (Cont.)

Postponed Indefinitely (Cont.)	
Bill Number: SB 08-189 (Cont.)	Short Title: Paper Ballots In 2008 Elections
Sponsors: <i>Sens. Gordon and McElhany</i> <i>Reps. May M. and Madden</i>	Status: Postponed Indefinitely in Senate Appropriations
<p>The bill would have required mail-in ballots to be mailed from post offices in Colorado. A designated election official would have been allowed to begin counting mail-in and early voting ballots 15 days before election day.</p> <p>For 2008, the bill would have specified certain requirements for testing electronic voting machines. The bill would have also required a repeat test if an error was detected in the operation of an electronic voting device. The bill required the county clerk and recorder to deliver the written statement of the testing board providing information on vote tabulation equipment tested to the Secretary of State, and required the Secretary of State to post the statement on the Department of State's web site. The bill would have made copies of the records of preelection vote tabulation equipment testing available for public inspection. The bill also required canvass boards and county clerk and recorders to report the results of post-election audits in the form prescribed by the Secretary of State.</p> <p>The bill would have required the Secretary of State to convene an election audit and recount working group to study methods of auditing and recounting elections that improve the efficiency, accuracy, and statistical confidence of audits and recounts. The bill required the Secretary of State to appoint the membership of the working group, and required the working group to make recommendations to the secretary, who would then post them on the Department of State's web site. Once the Secretary of State considered the working group's recommendations, the bill allowed the secretary to adopt rules establishing methods for conducting audits or recounts of the 2008 primary and general elections that improve upon methods prescribed by law.</p> <p>The bill required a county clerk and recorder to make the location of each polling place publicly available, including by posting the information on the official web site of the county, when polling places are designated for partisan and coordinated elections. The bill required each precinct polling place to have a paper or other noncomputerized copy of the registration book or a copy of the elector registration records stored electronically at the polling place. The bill required the notice of election to state the location of each polling place and be posted on the official web site of the county, if one exists. Under the bill, a county clerk and recorder who provides more than one early voters' polling place was to distribute the polling places with regard to population density and distribution and ease of access.</p>	<p><i>State Appropriations:</i></p>

Summary of Elections-Related Bills, 2008 Session (Cont.)

Postponed Indefinitely (Cont.)	
<p>Bill Number: SB 08-189 (Cont.)</p> <p>Sponsors: <i>Sens. Gordon and McElhany</i> <i>Reps. May M. and Madden</i></p>	<p>Short Title: Paper Ballots In 2008 Elections</p> <p>Status: Postponed Indefinitely in Senate Appropriations</p>
<p>The bill would have required county clerk and recorders to send voter information cards before the 2008 general election to the county's inactive registered electors, except for electors whose previous mailing from the clerk and recorder was returned as undeliverable. The bill required that the results of voting at vote centers and by early voting be reported by precinct in partisan elections held on and after January 1, 2009, and in all elections held on and after January 1, 2010. Finally, the bill required the official abstract of votes to indicate voter turnout in each county as a percentage of the total number of registered voters, rather than active registered voters.</p>	<p><i>State Appropriations:</i></p>
<p>Bill Number: SB 08-198</p> <p>Sponsors: <i>Sen. Gordon</i> <i>Rep. Witwer</i></p>	<p>Short Title: Redistrict Congress Criteria Public Process</p> <p>Status: Postponed Indefinitely in House State, Veterans, and Military Affairs</p>
<p>The reengrossed bill would have directed the General Assembly to utilize only the following factors, in order of precedence, in establishing Congressional districts:</p> <ul style="list-style-type: none"> • equal population; • nondilution of minority voting strength; • the preservation of political subdivisions such as counties, cities, and towns; • preservation of communities of interest; • compactness and contiguity; and • after considering other factors in law pertaining to redistricting and to the extent practicable, the creation of districts that promote fair and equitable representation and electoral competition. 	<p><i>State Appropriations:</i></p> <p style="text-align: center;">The reengrossed bill was assessed as having no fiscal impact.</p>

Summary of Elections-Related Bills, 2008 Session (Cont.)

Postponed Indefinitely (Cont.)			
Bill Number:	SB 08-240	Short Title:	Change Voter Registration Record Online
Sponsors:	<i>Sen. Gordon</i> <i>Rep. Casso</i>	Status:	Postponed Indefinitely in House State, Veterans, and Military Affairs
<p>The bill would have allowed an elector to register to vote on line, and allowed a registered elector to change his or her residence on the registration record, change or withdraw his or her political affiliation, or apply for permanent mail-in voter status by completing an electronic form on the Secretary of State's website if a digital version of the elector's signature is stored in databases maintained by the Department of State. Under the bill, the Secretary of State would have made available on the secretary's website electronic forms for electors to register to vote or make the specified changes. The bill specified the information that would be included on the electronic forms, including a self-affirmation on the voter registration form that the person is qualified to register to vote and that the information entered on the application form is true. Upon completion of a form, the Secretary of State would search for the elector's digital signature in the Department of State's databases and, if found, would add the elector to the computerized voter registration list, or make changes to the elector's residence, political affiliation, or mail-in voter status, as applicable. Under the bill, the voter registration or change in residence, political affiliation, or mail-in voter status would have been applicable if made at least 29 days before an election. The Secretary of State would have been required by the bill to notify an elector who completes an electronic form whether the elector successfully registered to vote, or successfully made a change to his or her residence, party affiliation, or permanent mail-in voter status.</p>		<p>State Appropriations:</p> <p>For FY 2008-09, the Department of State would have required a cash fund appropriation of \$28,000 from the Department of State Cash Fund to cover computer programming costs.</p>	
Bill Number:	HB 08-1039	Short Title:	Voter Photo Identification In Elections
Sponsors:	<i>Rep. Summers</i> <i>Sen. Renfro</i>	Status:	Postponed Indefinitely in House State, Veterans, and Military Affairs
<p>The introduced bill would have required identification used for election-related purposes to contain a photograph of the voter.</p>		<p>State Appropriations:</p> <p>To implement this bill, the Department of State would have required an appropriation of \$13,591 for FY 2008-09 from the Department of State Cash Fund.</p>	

Summary of Elections-Related Bills, 2008 Session (Cont.)

Postponed Indefinitely (Cont.)	
<p>Bill Number: HB 08-1177</p>	<p>Short Title: Identification Documentation Voting Citizenship</p>
<p>Sponsors: <i>Rep. McNulty</i> <i>Sen. McElhany</i></p>	<p>Status: Postponed Indefinitely in House State, Veterans, and Military Affairs</p>
<p>The introduced bill would have required a person applying to register to vote to provide proof of citizenship. The bill would have allowed the following documentation to establish proof of citizenship:</p> <ul style="list-style-type: none"> • a valid United States passport or photocopy of the passport's pertinent pages; • the person's birth certificate or a photocopy thereof; • the person's United States naturalization documentation or a photocopy thereof; • the number of the applicant's certificate of naturalization, verified by the county clerk and recorder; or • any document or method of proof of citizenship established by federal immigration law. <p>The bill would have disallowed proof of voter registration from another state as proof of citizenship, and would have considered proof of citizenship to have been provided by those registered to vote as of July 1, 2008. Under the bill, an elector's proof of citizenship would not have been required under the following circumstances:</p> <ul style="list-style-type: none"> • when moving within the same county and making an address change to the voter registration record; • when making a name change on the voter registration record; • when declaring a political affiliation; • when changing or withdrawing a political affiliation; or • when the elector is an absent uniformed services elector or an overseas elector and applies to register by federal postcard application. <p>The bill also would have required proof of citizenship in order for a person to register to vote by completing a provisional ballot.</p>	<p><i>State Appropriations:</i></p> <p>The bill was assessed as having only a local fiscal impact. It would have increased staff time to process voter registrations as well as mailing costs.</p>

Summary of Elections-Related Bills, 2008 Session (Cont.)

Postponed Indefinitely (Cont.)			
Bill Number:	HCR 08-1004	Short Title:	Redistricting Commission General Assembly & Congress
Sponsors:	<i>Rep. Bruce</i> <i>Sen. (None)</i>	Status:	Postponed Indefinitely in House State, Veterans, and Military Affairs
<p>The resolution would have referred a constitutional amendment to the ballot for the 2008 general election that created a commission to redistrict the state's legislative and Congressional districts in the year after each federal census. The measure also would have changed the composition of the General Assembly by "nesting" five state Senate districts within each Congressional district, and two state House of Representatives districts within each state Senate district, based on the number of Congressional districts in Colorado remaining at seven. This would have required the House to grow by 5 members to 70.</p> <p>The resolution set the appointment process and other procedural requirements for the seven-member redistricting commission. Commission members would have served without compensation, and would have been barred from receiving gifts valued at more than \$50, except from relatives. Under the resolution, the commission would have considered the following standards for redistricting, in priority order:</p> <ul style="list-style-type: none"> • population equality based on the census; • any other federal requirements for redistricting; • geographical compactness; and • minimizing the division of existing counties, including city and counties, and existing cities and towns into multiple districts. 		<p><i>State Appropriations:</i></p> <p>The measure would have affected state expenditures beginning in FY 2010-11, with expenditures rising due to the addition of five members to the state House of Representatives, but costs potentially decreasing for redistricting compared to redistricting that takes place under current law.</p>	

Summary of Elections-Related Bills, 2008 Session (Cont.)

Postponed Indefinitely (Cont.)	
Bill Number: HCR 08-1004 (Cont.)	Short Title: Redistricting Commission General Assembly & Congress
Sponsors: <i>Rep. Bruce</i> <i>Sen. (None)</i>	Status: Postponed Indefinitely in House State, Veterans, and Military Affairs
<p>In setting district boundaries, the Redistricting Commission would have been barred from considering or being informed of the following information, disclosure to the commission of which would have invalidated any plan related to the information;</p> <ul style="list-style-type: none"> • the residency of any elected official, candidate, or other person; • the political affiliation of district residents; or • any political benefit to any person or party. <p>Redistricting plans approved by the commission would have been final under the resolution, unless appealed to the state Supreme Court within 15 days after approval. The Supreme Court could only reject an approved plan by upholding an appeal on a two-thirds or greater vote, citing specific violations of the resolution's first three standards. The resolution would have allowed the commission to revise a rejected plan to address the Supreme Court's decision, also subject to appeal. If the commission failed to approve a plan by July 15, all plans tying for the greatest number of commission votes would have been forwarded to the Supreme Court, which would then choose a plan by two-thirds vote by applying the resolution's first three standards, subject to approval by the commission. If no plan was approved by October 15 under this selection process, the resolution would have empowered the Supreme Court to select one of the commission's plans by majority vote, applicable to the next general election and district vacancies until another plan became final. Finally, the resolution would have required a new commission every other year until a plan became final.</p>	<p><i>State Appropriations:</i></p>

Summary of Elections-Related Bills, 2008 Session (Cont.)

Postponed Indefinitely (Cont.)			
Bill Number:	HCR 08-1005	Short Title:	Prefer Statutes to Constitutional Amendments
Sponsors:	<i>Rep. Bruce</i> <i>Sen. (None)</i>	Status:	Postponed Indefinitely in House State, Veterans, and Military Affairs
<p>The resolution would have referred a constitutional amendment to the ballot for the 2008 general election that reduced the minimum number of signatures of registered electors required for a statutory initiative petition from 5 percent to 4 percent of the votes cast in the previous election for Secretary of State. Under the resolution, a statutory initiative petition would have been required to be filed within 9 months from the date that its ballot title was set, and initiated matters would have been decided at each November statewide election, whereas now they are decided at biennial general elections. The resolution would have also prohibited the General Assembly from amending, repealing, or superseding an enacted initiative without prior voter approval, unless the initiative provided otherwise.</p> <p>Under the resolution, the General Assembly would have been limited to proposing two measures to amend the State Constitution during even-numbered years, with each measure addressing only one constitutional article. The resolution would have also allowed the General Assembly to propose additional amendments to the State Constitution that repeal obsolete or antiquated provisions, as defined in the resolution. Under current law, the General Assembly is limited to proposing amendments to six articles in the State Constitution at each general election.</p>		<p>State Appropriations:</p> <p>The measure would not have affected state expenditures overall. The measure may have shifted costs of the Department of State associated with verifying initiative petitions from even-year elections to odd-year elections, resulting in an estimated \$38,500 in the Department of State Cash Fund being spent in FY 2009-10 that would have been spent in FY 2010-11.</p>	
Bill Number:	HCR 08-1007	Short Title:	Campaign Contribution Mandatory Disclosure
Sponsors:	<i>Rep. McNulty</i> <i>Sen. Kopp</i>	Status:	Postponed Indefinitely in House State, Veterans, and Military Affairs
<p>The resolution would have referred a constitutional amendment to the ballot for the 2008 general election that required campaign finance laws mandating the disclosure of certain information about political campaign donors to be extended to require the disclosure of information about all contributions received by political campaigns regardless of the amount of the contribution. Current law exempts from disclosure all information on donors who contribute less than \$20, and limits the information on donors who contribute between \$20 and \$100. The referendum would have prohibited disclosure requirements from exempting information about contributions received by committees, political parties, or other entities that fall below a specified threshold amount.</p>		<p>State Appropriations:</p> <p>The resolution was assessed as having no fiscal impact.</p>	

Summary of Elections-Related Bills, 2008 Session (Cont.)

Postponed Indefinitely (Cont.)	
Bill Number: HJR 08-1032	Short Title: Interim Committee Nonpartisan Election Commission
Sponsors: <i>Rep. Weissmann</i> <i>Sen. (None)</i>	Status: Postponed Indefinitely in House State, Veterans, and Military Affairs
<p>The joint resolution would have created a legislative committee to meet during the 2008 interim to study the administration of elections in the state. The committee would have also studied the feasibility and desirability of eliminating the office of Secretary of State and transferring the election-related functions of the office to a nonpartisan election commission, and the office's other functions to other executive departments. The resolution set the process for selecting the membership of the eight-member committee and the commission's meeting requirements, and included a list of issues that the committee would have been required to consider.</p>	<p><i>State Appropriations:</i></p> <p style="padding-left: 40px;">The resolution would have required the expenditure of an estimated \$25,649 in General Fund moneys for staff support from legislative staff agencies.</p>

Summary of Elections-Related Bills, 2008 Session (Cont.)

Vetoed by Governor	
Bill Number: HB 08-1406	Short Title: Paid Petition Circulators
Sponsors: <i>Rep. Marshall</i> <i>Sen. Gordon</i>	Status: Vetoed by Governor
<p>The act would have prohibited a person from acting as a paid petition circulator unless the person:</p> <ul style="list-style-type: none"> • is a citizen of the United States; • is a legal resident of Colorado; and • has not been convicted of a felony fraud or sex offense. <p>The act would have prohibited an entity that compensates petition circulators or coordinates the collection of signatures for a ballot petition ("entity") from knowingly compensating a paid petition circulator who does not meet these requirements, and would have required the entity to register with the Secretary of State before compensating petition circulators for collecting signatures. To register, the entity would have provided the following information:</p> <ul style="list-style-type: none"> • the ballot title of any proposed measure for which petition circulators will be compensated or coordinated by the entity; • the name, address, telephone number, and e-mail address of the petition entity; and • the name and signature of the designated agent of the entity, who must be a resident of Colorado. <p>Under the act, the entity would have been required to submit to the Secretary of State an oath or affirmation that it is abiding by certain requirements in the act, that the information it has provided to the Secretary of State is correct, and that it has provided its paid petition circulators with the measure proposed by the petition and instructed each circulator not to make false or misleading statements regarding the measure.</p> <p>Under HB 08-1406, petition forms used for collecting signatures by paid petition circulators were to contain the name of the entity. Signatures not gathered in compliance with the act would be deemed invalid, and a prohibition in current law against obtaining signatures by deception applied to signature gathering under the act. Signatures submitted for verification on a previously approved petition form before August 6, 2008, would have been acceptable if otherwise valid. Any entity that violated the act would have been guilty of a misdemeanor.</p> <p>The act extended the time allowed to protest the validity of a petition from 30 to 45 days. The act also clarified that an existing requirement that petition proponents report the total amount paid to persons to circulate the petition applies to amounts paid to legal entities as well as individuals.</p>	<p>State Appropriations:</p> <p>The bill's implementation was not expected to require additional appropriations, but the state was expected to generate at least an additional \$5,000 in revenue based on fines for violating the bill's criminal provisions. The bill's implementation may have also resulted in additional costs at the local level due to additional persons being sentenced to county jail for violating the bill's provisions.</p>

Summary of Elections-Related Bills, 2008 Session (Cont.)