

# ELECTIONS

<b>Election Reform</b>		
<b>HB 08-1378</b> (Enacted) <i>Ranked Voting Methods</i>	<b>SB 08-243</b> (Enacted) <i>Election Reform Commission</i>	<b>HJR 08-1032</b> (Postponed Indefinitely) <i>Interim Committee Nonpartisan Election Commission</i>
<b>Campaign Finance</b>		
<b>HB 08-1041</b> (Enacted) <i>Campaign Finance Enforcement</i>	<b>HB 08-1233</b> (Enacted) <i>Attribute Contributions Limited Liability Companies</i>	<b>HCR 08-1007</b> (Postponed Indefinitely) <i>Campaign Contribution Mandatory Disclosure</i>
<b>Electoral Processes</b>		
<b>HB 08-1155</b> (Enacted) <i>Voting Systems Certification for 2008</i>	<b>HCR 08-1004</b> (Postponed Indefinitely) <i>Redistricting Commission General Assembly &amp; Congress</i>	<b>HR 08-1006</b> (Adopted) <i>Support Regional Presidential Primary</i>
<b>SB 08-198</b> (Postponed Indefinitely) <i>Redistrict Congress Criteria Public Process</i>		
<b>Initiatives and Referred Measures</b>		
<b>HB 08-1406</b> (Vetoed by Governor) <i>Paid Petition Circulators</i>	<b>HCR 08-1005</b> (Postponed Indefinitely) <i>Prefer Statutes to Constitutional Amendments</i>	<b>SCR 08-003</b> (Adopted) <i>Limit Change Initiative CRS &amp; Filing Deadline</i>
<b>Mail-In and Paper Ballots</b>		
<b>HB 08-1128</b> (Enacted) <i>Signature Verification Technology In Election</i>	<b>HB 08-1329</b> (Enacted) <i>Inactive Registration &amp; Mail Ballot Elections</i>	<b>SB 08-189</b> (Postponed Indefinitely) <i>Paper Ballots In 2008 Elections</i>
<b>Vacancies in Office</b>		
<b>HB 08-1003</b> (Enacted) <i>Special Congressional Vacancy Election</i>	<b>HB 08-1345</b> (Enacted) <i>Vacancies in Elective Offices</i>	<b>HCR 08-1001</b> (Lost) <i>Vacancy Committees for Elective Offices</i>
<b>Voter Registration and Identification</b>		
<b>HB 08-1039</b> (Postponed Indefinitely) <i>Voter Photo Identification in Elections</i>	<b>HB 08-1177</b> (Postponed Indefinitely) <i>Identification Documentation Voting Citizenship</i>	<b>HB 08-1401</b> (Enacted) <i>Voter Info Card to Each Eligible Voter</i>
<b>SB 08-240</b> (Postponed Indefinitely) <i>Online Voter Registration</i>		

During the 2008 legislative session, the General Assembly considered a number of measures pertaining to elections, on issues ranging from campaign finance to election reform to the initiative process. Election-related issues received a great deal of attention during the session, due in part to the decertification of certain voting equipment by the Secretary of State in December 2007, as well as efforts to mitigate problems experienced at polling places during the 2006 election. A summary of the legislation considered by the General Assembly pertaining to elections follows, grouped by subject area.

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## Election Reform

**House Bill 08-1378** 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 bill 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 bill.

The bill specifies the number of choices an elector is allowed to rank per election contest, including write-in candidates. The bill also specifies which type of ranked voting method is to be used for an election, as follows:

- *instant runoff voting* for an election in which one candidate is to be elected to an office; or
- *the single transferable vote method* 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 bill 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.

Under the bill, 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 bill directs election judges to deliver ballots to the canvass board for counting. The bill 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 HB 08-1378. The bill 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 bill 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.

**Senate Bill 08-243** 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;

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- 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 bill 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 bill, 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 bill 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;
- 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.

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The bill 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.

**House Joint Resolution 08-1032**, which was postponed indefinitely, 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.

### Campaign Finance

**House Bill 08-1041** 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 bill, the complaint is subject to the procedural requirements for filing a campaign finance-related complaint specified in the state constitution. The bill 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 bill 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.

**House Bill 08-1233** amends provisions of the FCPA to require 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. Previously, the LLC could dictate how the contribution is allocated among its members. The bill also requires campaign finance disclosures involving an LLC to include each contribution from the LLC regardless of dollar amount.

**House Concurrent Resolution 08-1007**, which was postponed indefinitely, would have referred a constitutional amendment to the ballot for the 2008 general election mandating 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.

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## Electoral Processes

**Redistricting.** A pair of measures considered by the General Assembly sought to amend the redistricting process. Both were postponed indefinitely. **House Concurrent Resolution 08-1004** 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.

The resolution set the appointment process and other procedural requirements for the seven-member redistricting commission. Under the resolution, the commission would have considered the following standards for redistricting, in priority order:

- 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.

The resolution included a multi-phased process for appealing redistricting plans approved by the commission to the Supreme Court. The resolution would have required a new commission every other year until a plan became final.

**Senate Bill 08-198**, as amended, would have directed the General Assembly to utilize only the following factors, in order of precedence, in establishing Congressional districts:

- 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.

**Other electoral processes.** Measures were passed in 2008 regarding voting systems certification and the potential for a regional presidential primary. **House Bill 08-1155** 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. The bill does not relax existing certification standards. If the secretary of state amends or rescinds an order decertifying a voting system, the bill 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 secretary of state must send a copy of any decision to amend or rescind an order to the House and

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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.

The bill 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 bill 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 secretary of state must 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 bill 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.

The bill 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 bill applies only to elections held in 2008.

**House Resolution 08-1006** 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.

### Initiatives and Referred Measures

The General Assembly convened a Joint Committee on Constitutional Reform during the 2008 session to consider issues associated with the initiative and referendum process, as well as the potential for amending certain provisions in the state constitution. One measure pertaining to the initiative and referendum process, Senate Concurrent Resolution 08-003, was eventually adopted by the General Assembly; another, House Bill 08-1406, was vetoed by the Governor; and a third, House Concurrent Resolution 08-1005, was postponed indefinitely. **Senate Concurrent Resolution 08-003** 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:

- 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; and
- 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; and
- for a proposed constitutional amendment, the proposed amendment requires that at least 8 percent of the required signatures be gathered from registered electors who reside in each of Colorado's congressional districts.

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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. It further 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.

The proposed amendment also 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.

**House Concurrent Resolution 08-1005**, which did not pass, 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 nine months from the date that its ballot title was set, and initiated matters would have been decided at each November statewide election, whereas now, unless they are Taxpayer's Bill of Rights measures, 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.

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 each General Assembly is limited to proposing amendments to six articles in the state constitution.

**House Bill 08-1406**, which was postponed indefinitely, would have prohibited a person from acting as a paid petition circulator unless the person:

- 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.

The bill 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 and provide certain information before compensating petition circulators for collecting signatures.

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Signatures not gathered in compliance with the bill would be deemed invalid, and a prohibition in current law against obtaining signatures by deception would have applied to signature gathering under the act. Any entity that violated the bill would have been guilty of a misdemeanor.

The bill extended the time allowed to protest the validity of a petition from 30 to 45 days.

### Mail-In and Paper Ballots

**House Bill 08-1128** 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 bill 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.

The bill 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 bill requires the secretary of state to adopt rules establishing procedures for using signature verification devices to process mail-in and mail ballots. The bill stipulates that a flap is not required to cover the signature on a return envelope of a mail-in or mail ballot.

**House Bill 08-1329** 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 bill 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."

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 House Bill 08-1329. Previously, an elector was deemed inactive if a voter information card mailed by a clerk and recorder to the elector's address was returned as undeliverable, or if an elector failed to vote in a general election.

For mail ballot elections conducted in July 2008 or thereafter, the bill 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 bill requires a mail ballot to be mailed to all registered electors whose

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registration records are marked "inactive - failed to vote," but prohibits such mailings to those whose records are marked "inactive - undeliverable."

For the purposes of redistricting, the bill 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 bill 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.

The reengrossed version of **Senate Bill 08-189**, which was postponed indefinitely, would have changed the process by which elections are conducted in the following areas:

- *Paper ballots.* Senate Bill 08-189 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. 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 prescribed the allowable voting systems for political subdivisions, and 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
- *Poll watching.* 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. The bill also would have extended poll watching to the counting of early and mail-in ballots.
- *Mail-in and early voting.* 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.
- *Tests, audits, and recounts.* For 2008, the bill would have specified certain requirements for testing electronic voting machines, along with reporting requirements regarding the tests. The bill would have also required a repeat test if an error was detected in the operation of an electronic voting device. 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. Upon consideration of the working group's recommendations, Senate Bill 08-189 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.
- *Polling places.* The bill would have established certain notification requirements regarding polling places. 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.

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- *Miscellaneous provisions.* The bill 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.

### Vacancies in Office

**House Bill 08-1003** 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 bill 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.

Under the bill, 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 bill allows the secretary of state to promulgate rules to administer the provisions of the bill, and adjust statutory deadlines to ensure the bill's time line for the special election is met. Previously, such special elections were required to be held between 75 and 90 days after the vacancy occurs, unless a general election was to take place within 75 days of the declaration.

**House Bill 08-1345** extends from 10 to 30 the number of days a vacancy committee has to fill a vacancy in the General Assembly. The bill 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 bill 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 bill 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 bill does not reduce the number of consecutive terms that an appointee to the General Assembly may serve under the Colorado Constitution.

Under the bill, 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. Formerly, a majority vote of a quorum was required for the vacancy committee to fill the office. The bill 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 bill also requires written notice of the meeting to be mailed to each member of the vacancy committee at least six days before the meeting.

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Finally, the bill 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.

**House Concurrent Resolution 08-1001**, which was lost in the House, 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.

### Voter Registration and Identification

The General Assembly considered legislation that increases voter awareness of future elections, particularly those voters who failed to vote in the 2006 general election. **House Bill 08-1401** 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 bill 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 bill, 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.

Identification requirements for voting and voter registration continues to be a highly debated topic in the General Assembly. **House Bill 08-1039**, which was postponed indefinitely, would have required identification used for election-related purposes to contain a photograph of the voter. Also postponed indefinitely was **House Bill 08-1177**, which 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:

- 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.

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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:

- 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.

The bill also would have required proof of citizenship in order for a person to register to vote by completing a provisional ballot.

**Senate Bill 08-240** was also postponed indefinitely. 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. 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 actions taken by the elector would have been applicable if made at least 29 days before an election.