

Elections

<i>House Bills</i>	<i>Senate Bills</i>
HB 06-1051 Recall Election Deadlines	SB 06-051 Benefits Public Officials
HB 06-1149 Communication With State Public Officials	SB 06-062 Overseas & Military Electronic Voting
HB 06-1198 Provisional Ballot Cast In Other County	SB 06-095 Special District Elections
HB 06-1203 Elect PUC Review Insurance Commissioner	SB 06-146 Proof of US Citizenship to register to vote
HCR 06-1009 Proof of US Citizenship to Vote	SB 06-170 Elections
HCR 06-1010 Campaign Finance Construction Modification	SB 06-223 Compact Elect Pres Popular Vote
HCR 06-1011 Election of Insurance Commissioner	SB 06-228 Coordinated Election Costs SCFD
	SCR 06-008 Nonpartisan Redistricting by GA

Several bills considered by the General Assembly during the 2006 legislative session addressed the electoral process in Colorado. Procedural election reform, absentee voting, recall elections, proof of citizenship, special district elections, campaign contributions and lobbying, and the election of appointed officials were among the major topics considered.

Election reform. **SB 06-170** makes a number of changes regarding the conduct of elections, in the following categories:

Voter registration. SB 06-170:

- eliminates the option of providing the last four digits of a social security number instead of a driver's license or identification card number when a person registers to vote, unless the person does not have a valid driver's license or identification card;
- requires the Secretary of State to assign an

identifying number to a person registering to vote that does not have a driver's license, identification card, or social security card;

- for first-time voters registering by mail, requires the voter to include a copy of identification with a mail or absentee ballot if the voter did not include identification, a driver's license number, or the last four digits of the voter's social security number when the voter applied for registration; and
- increases the time allowed for delivering an application for registering to vote to the county clerk and recorder collected in a voter registration drive from five to seven days, and changes the penalty structure for negligently or intentionally failing to deliver such applications.

Vote centers. The bill:

- requires the Secretary of State to establish guidelines for vote centers; and
- requires a public comment period and public hearing regarding the number, location, and manner of operation of vote centers.

Reimbursement for state ballot issue. SB 06-170 increases the reimbursement rate paid to counties by the state in conjunction with duties related to a state ballot issue or question from \$0.45 to \$0.80 per registered voter for counties with 10,000 or fewer active registered voters and from \$0.35 to \$0.70 for counties with more than 10,000 active registered voters.

Voting systems. SB 06-170 requires approval by the Secretary of State of procedures established by designated election officials to ensure the accuracy and security of voting systems. The law previously required the Secretary of State to merely review these procedures.

Provisional ballots. The bill allows use of an electronic voting device to cast a provisional ballot if it is certified by the Secretary of State, while also

granting discretion to designated election officials in using the electronic voting device or paper ballots for provisional ballots.

Absentee and early voting. The bill requires that the results of absentee and early voting be reported by precinct, beginning with the 2008 general election.

Election day. The bill:

- excludes the respectful display of the American flag from the definition of "electioneering," which is not allowed within 100 feet of a polling place on election day; and
- allows a state employee to take paid leave to serve as an election judge on election day, unless the employee's supervisor deems the employee's attendance at work essential.

County home rule charter election. SB 06-170 requires a special election on the question of a county home rule charter to be held as part of a coordinated or general election if the board of county commissioners receives the proposed charter within 60 days of the election.

Recall elections. HB 06-1051 modifies the deadlines for petitions and elections to recall elected officials, as detailed in Table 1, to allow for more effective administration of the recall process. The bill will only take effect if SCR 05-005, which provides for recall petition and hearing deadlines to be set in statute and for recall elections to be held as part of a general election in certain circumstances, is approved by the voters in November 2006.

**Table 1
Deadline Changes for Recall Elections Pursuant to HB 06-1051**

Deadline Changed by HB 06-1051	Former Requirement	Change in Requirement by HB 06-1051
Deadline for designated election official to notify the committee circulating a recall petition and the incumbent of the number of valid petition signatures and whether the petition appears sufficient or insufficient	10 working days after filing of recall petition	30 working days after filing of recall petition
Deadline for designated election official to mail a copy of a protest of a recall petition to the committee representing the signers, along with a notice fixing the time for the protest hearing	"forthwith"	Within 24 hours after filing of a written protest
Deadline for conclusion of a protest hearing	30 days after the recall petition is filed	55 days after the recall petition is filed
Time frame within which a recall election must be set by the appropriate governing body	Not less than 45 nor more than 75 days from the date of determination of sufficiency of the recall petition, or as part of a general election if the election is to be held within 90 days of this determination	Not less than 30 nor more than 60 days after the time for filing a protest has passed and all protests have been decided, or as part of a general or coordinated election if the election is to be held not less than 50 nor more than 90 days after the time for filing a protest has passed and all protests have been decided
Deadline for availability of absentee ballots	30 days before recall election	25 days before recall election

Table 1
Deadline Changes for Recall Elections Pursuant to HB 06-1051 (Cont.)

Deadline Changed by HB 06-1051	Former Requirement	Change in Requirement by HB 06-1051
Starting time for submission to the designated election official of nomination petitions for approval by party or unaffiliated candidates	No requirement	Any time after the recall petition has been approved
Starting time for circulation of nomination petition by party or unaffiliated candidates	No requirement	Upon approval of the nomination petition
Deadline for completion of an abstract of votes by the canvass board	The day following the recall election	The 17 th day following the recall election
Deadline for delivering the abstract of votes to the Secretary of State or appropriate governing body	Close of business on the 5 th day after the recall election	Close of business on the 18 th day after the recall election

Absentee ballots and voting. **SB 06-062** requires the Secretary of State to promulgate rules governing the receipt and return of an absentee ballot by facsimile by an absent uniform services voter, a nonresident overseas voter, or a resident overseas voter. This rulemaking requirement was formerly discretionary on the part of the Secretary of State. The bill also allows the Secretary of State to establish procedures by which a uniform services voter serving outside the United States can vote by electronic mail in instances where a more secure voting method is not possible.

HB 06-1198 clarifies that when a voter casts a provisional ballot in a county other than the voter's county of residence, the ballot will not be counted, unless:

- the voter moved from one county to another county before the close of registration, but failed to register to vote in the new county, in which case the voter may complete an emergency registration form or cast a provisional ballot in the new county of residence; or
- the voter moved from one county to another county after the close of registration and does not vote in the county where registered, in which case the voter may cast a provisional ballot in the new county of residence and the voter's votes for federal and statewide offices and statewide ballot issues and ballot questions will be counted.

Proof of citizenship. **SB 06-146** would have required a person applying to register to vote to provide proof of citizenship. **HCR 06-1009** would have referred to the voters an amendment to the state constitution to require a person registering to vote or voting for the first time to present proof of United States citizenship. Both measures were postponed indefinitely.

Special district elections. **SB 06-228** allows the Scientific and Cultural Facilities District to deduct the reasonable costs related to a coordinated election from its sales and use tax collections prior to making the program-related distributions required by law. The bill requires the district to pay a county or city and county for its share of a coordinated election, limited to the district's reasonable costs associated with the election, and defines what constitutes "reasonable costs related to a coordinated election." **SB 06-095** prohibits a person from knowingly transferring the title to taxable property to or from another person in an attempt to qualify the person as an eligible voter in a special district election. The bill also voids any ballot cast in violation of this prohibition, but outlines specific circumstances in which the transfer of taxable property qualifies a person as an eligible voter in a special district election.

Campaign contributions. **SB 06-051** prohibits a person elected to a statewide office from receiving or accepting money, or "in-kind" gifts such as equipment, supplies, property, or

services exceeding \$50 in any calendar year, for the purpose of defraying expenses related to the incumbent's or elected candidate's official duties. The bill allows the incumbent or elected candidate to continue to receive a salary and reimbursement for expenses, and to accept payments for a speech, appearance, or publication. **HCR 06-1010** would have referred to the voters a measure limiting the amount of contributions that a federal entity that spends money advocating the election or defeat of a candidate can receive from a person to the amount that may be given by a person to a candidate for federal office under federal law. The measure would have included corporations that have obtained tax-exempt status under section 527 of the federal Internal Revenue Code in the definition of federal entity. The measure would have also increased individual contribution limits to candidates for various statewide offices. HCR 06-1010 was postponed indefinitely.

Lobbying reform. HB 06-1149 requires the disclosure of additional information submitted by registered lobbyists in disclosure statements filed with the Secretary of State under the "Colorado Sunshine Act of 1972." The information includes the lobbyist's position on specific legislation, the business activity in which the lobbyist's principal engages, and the lobbyist's direct business association with specific legislation. A provision requiring a one-year period between a member of the General Assembly's completion of tenure in office and that member's paid representation of another person by lobbying the General Assembly was removed from the bill.

Election of appointed office holders and redistricting. HB 06-1203 would have required the members of the Public Utilities Commission to be elected for six-year terms, based on the state's congressional districts. The commission's three members are currently appointed by the Governor. The bill was postponed indefinitely. **HCR 06-1011** would have referred to the voters an amendment to the state constitution making the Commissioner of Insurance a statewide elected office. The measure lost in the House of Representatives. **SCR 06-008** would have referred to the voters an amendment to the state constitution directing nonpartisan legislative staff to prepare redistricting plans for the state House of Representatives, Senate, and congressional districts. The plans would have then been forwarded to the General Assembly for action. The measure was deemed lost in the Senate.

Presidential electors. SB 06-223 would have authorized the Governor to enter into an interstate compact to elect the President of the United States by popular vote. The bill was postponed indefinitely.