

ELECTIONS

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| Election Reform SB 07-083 (Enacted) <i>Conduct of Elections</i> |
| Absentee and Mail-in Ballots HB 07-1149 (Enacted) <i>Absentee Voting by Overseas Residents</i> SB 07-234 (Enacted) <i>Voting by Mail</i> |
| Campaign Contributions HB 07-1074 (Enacted) <i>Clean Campaign Act of 2007</i> HB 07-1323 (Enacted) <i>Corps & LLCs under FCPA</i> SB 07-259 (Enacted) <i>Election Filing for Campaign Finance</i> |
| Caucus Dates HB 07-1376 (Enacted) <i>Precinct Caucus Day in Presidential Year</i> |
| Electoral Processes HB 07-1162 (Postponed Indefinitely) <i>Advanced Voting Methods Pilot & Study</i> SB 07-046 (Postponed Indefinitely) <i>Agreement Elect President Popular Vote</i> |
| Initiatives and Referred Measures HCR 07-1001 (Postponed Indefinitely) <i>Initiated and Referred Amendment to Colorado Constitution and Colorado Revised Statutes</i> |

The General Assembly considered several bills during the 2007 legislative session to address the electoral process in Colorado. Procedural election reform, mail-in and absentee voting, campaign contributions, caucus dates, electoral processes, and initiated and referred measures were among the major topics considered.

Election Reform

Senate Bill 07-083 makes a number of changes regarding the conduct of elections, in the following categories:

Voter registration. SB 07-083:

- for first-time voters registering by mail, clarifies that a county clerk may not register the person if the voter did not comply with requirements to provide a driver's license number, or, if the voter has not been issued a driver's license, the last four digits of the voter's social security number;
- clarifies provisions for emergency registration in cases in which an elector moves to a new county or applies to register at a voter registration drive or a federally designated voter registration agency; and
- addresses the conduct of voter registration drives through lengthened deadlines for delivery of registration applications and through changes in penalties that specify maximum fines for violations administratively, while striking current criminal penalties.

Petition circulators. The bill clarifies requirements for petition circulators by specifying that a circulator must be: a resident of Colorado, a United States citizen, and at least 18 years of age.

Election offenses. The bill changes the penalty for tampering with voting equipment from an unclassified to a class 1 misdemeanor.

Judicial review. The bill establishes judicial review of petitions for candidacies and subsequent appeals through a district court.

Vote centers. SB 07-083 requires the Secretary of State to promulgate rules establishing requirements for equipment used at vote centers, including the equipment used for the secure electronic connection to the computerized registration book.

Election judges and watchers. In regard to election judges, specifies that:

- the number of student judges assigned to a combined polling place or voting may not exceed the number of non-student judges; and
- subject to other statutory requirements, a county clerk may authorize shifts for judges of less than a full day as long as at least two judges of different political affiliations at each polling place work the entire day.

In regard to requirements for watchers at polling places, requires the names of those selected and certified as watchers be submitted to the county clerk.

Accessible voting systems. SB 07-083 adds to existing requirements for accessible voting machines by specifying standards for ballot marking devices available to electors with disabilities.

Vote machines audits. The bill increases the percentage of county voting devices subject to random audit by the Secretary of State from 1 to 5 percent, unless the Secretary of State approves an alternative statistical sampling method.

Absentee and Mail-in Ballots

Senate Bill 07-234 establishes provisions for mail-in ballots to replace current provisions and references to "absentee ballots." It allows an eligible elector to apply to be a permanent mail-in voter, specifies the authorized application procedures, and sets requirements for record maintenance of mail-in voter registrations. Each county clerk must be able to verify, upon request of a mail-in voter, the receipt of his or her ballot. Absentee voting by overseas citizens is addressed in **House Bill 07-1149** in several respects as follows:

- allows a citizen who has never lived in the United States, but whose parent is eligible to vote in Colorado, to register and vote by absentee ballot;
- specifies that an absent uniformed services elector, a nonresident overseas elector, or a resident overseas elector may apply for an absentee ballot by a letter of application or by a federal postcard application;
- specifies the conditions under which a county clerk and recorder may accept an unsigned federal postcard application or unsigned letter of application for an absentee ballot submitted on behalf of an absent uniformed services elector;
- sets forth the conditions under which a county clerk and recorder may register and accept a properly executed federal postcard application for an absentee ballot from an otherwise eligible absent uniformed services elector or nonresident or resident overseas elector who is not registered to vote; and
- clarifies the conditions under which a county clerk may accept a federal write-in absentee ballot from an absent uniformed services elector or nonresident or resident overseas elector.

Campaign Contributions

House Bill 07-1074 defines "political organization" for purposes of the Fair Campaign Practices Act (FCPA) as those organizations defined as such under Section 527(e)(1) of the Internal Revenue Code that are influencing or attempting to influence candidacies for local or state office and are exempt from taxation under the Internal Revenue Code. The bill amends the FCPA so that contributions or gifts made to or on behalf of a political organization are covered under the act, and so that political organizations are required to file the disclosure reports as set forth in the act. Its provisions take effect July 1, 2007, applying to the portion of any remaining election cycle or calendar year and to new election cycles thereafter. A second bill, **House Bill 07-1323**, addresses campaign contributions made by corporations and limited liability companies (LLCs). Specifically, the bill:

- amends the definition of "corporation" under the FCPA to include a domestic nonprofit corporation and any corporation incorporated under the laws of another state or country;
- specifies prohibitions against contributions made by an LLC to a candidate committee or political party based on the individual membership of the LLC and based on the LLC's status as a corporation or as a publicly traded company;
- sets forth requirements of affirmation to be made by an LLC making a campaign contribution;
- provides and conforms campaign contributions made by LLCs to constitutional limits and adds requirements for disclosure by LLCs to the committee or political party receiving a contribution; and
- prohibits any foreign corporation from making contributions that a domestic corporation is prohibited from making under the constitution and the FCPA.

Further, pertaining to reporting requirements and campaign data, **Senate Bill 07-259** sets new guidelines for the Secretary of State to establish and implement website improvements that improve transparency and public accessibility.

Caucus Dates

House Bill 07-1376 authorizes a change in the dates for party caucuses and county assemblies in presidential election years. In those years, a political party may decide to hold its party caucuses on the first Tuesday in February rather than the third Tuesday in March. If the party caucuses are held on the first Tuesday in February, county assemblies must be held not less than 15 days, nor more than 40 days, after the precinct caucuses. The current time frame for county assemblies is retained for other election years — not less than 10 days, nor more than 30 days after precinct caucuses held on the third Tuesday in March.

Electoral Processes

Senate Bill 07-046 would have authorized Colorado's participation in an interstate agreement to elect the President of the United States by national popular vote. Upon Colorado entering into such an agreement, Colorado's presidential electors from the party of the candidate that won the national popular vote, rather than the electors from the party of the candidate that won the most votes in Colorado, would have participated in the electoral college. Colorado's participation in the agreement was contingent upon the agreement being enacted in a number of states sufficient to possess an electoral vote majority. The bill was postponed indefinitely. A bill that proposed to study advanced voting methods, **House Bill 07-1162**, was also postponed indefinitely. The bill would have created a 13-member study group to make recommendations on voting methods that allow an elector to indicate a preference for more than one candidate in an election, including methods such as instant runoff voting and proportional voting.

Initiatives and Referred Measures

The General Assembly debated and eventually postponed indefinitely a concurrent resolution to address requirements for initiatives and referred measures. **House Concurrent Resolution 07-1001** would have referred a change to the constitution to require three-fifths voter approval for adoption of any initiated or referred measure to amend the constitution. The current majority vote requirement was retained to change or repeal constitutional amendments passed at or before the 2008 general election. Additionally, the resolution would have required a two-thirds vote of both chambers of the General Assembly to amend or repeal any initiated or referred statute for five years after its effective date.