

# ELECTIONS

## Campaigns and Campaign Finance

**SB 12-014** (Enacted)  
*Tie Fair Campaign Practices Act  
Reporting Schedule Date to  
Primary Election*

**HB 12-1067** (Postponed Indefinitely)  
*Contribution Limits School Districts  
and Regional Transportation  
District Directors*

**HB 12-1269** (Enacted)  
*Fair Campaign Practices Act  
Disclosure Candidate Committee  
Special District Elections*

**HB 12-1279** (Postponed Indefinitely)  
*Public Financing of Legislative  
Campaigns*

## Conduct and Administration of Elections

**SB 12-109** (Postponed Indefinitely)  
*Maintenance Regular List Registered  
Electors*

**SB 12-135** (Deemed Lost)  
*Secretary of State Post Election  
Night Returns On-line*

**SB 12-147** (Postponed Indefinitely)  
*Prohibit False Election Information  
Made to Deter Voting*

**SB 12-155** (Deemed Lost)  
*Transparency of Elections &  
Colorado Open Records Act*

**HB 12-1143** (Enacted)  
*Adjust County Reimbursement Rate  
for Elections*

**HB 12-1159** (Postponed Indefinitely)  
*Elect County Commissioners By  
Districts*

**HB 12-1267** (Deemed Lost)  
*Various Elections Procedures  
Mailings Stubs*

**HB 12-1292** (Enacted)  
*Update Election Law Administration  
Timing*

**HB 12-1293** (Enacted)  
*Recall Elections Modify Procedures  
& Deadlines*

## Initiative and Referendum

**HB 12-1024** (Postponed Indefinitely)  
*Plain Language for Ballot Titles*

**HB 12-1076** (Postponed Indefinitely)  
*Additional Voluntary Information on  
Initiative Petitions*

**HB 12-1089** (Enacted)  
*Specific Wording of Statewide Ballot  
Title*

**HB 12-1313** (Enacted)  
*Statewide Initiative Title Board  
Procedures*

**HCR 12-1003** (Postponed Indefinitely)  
*Process for Amending the State  
Constitution*

## Military and Overseas Voters

**SB 12-062** (Enacted)  
*Voting By Military Personnel*

## Voter Registration and Identification

**HB 12-1111** (Postponed Indefinitely)  
*Photo Identification for Voting*

**HB 12-1298** (Postponed Indefinitely)  
*Voter Preregistration at Age 16*

## Voting Powers

**HB 12-1169** (Enacted)  
*Open Meetings & Secret Ballot  
Leadership Elections*

During the 2012 legislative session, the General Assembly considered a number of measures pertaining to elections, on issues ranging from campaign finance to the initiative process to voter registration. In an effort to prepare for major elections in 2012, many bills attempted to address the conduct and administration of elections statewide. A summary of the legislation considered by the General Assembly in 2012 pertaining to elections follows.

## Campaigns and Campaign Finance

**Senate Bill 12-014** addresses the reporting requirements under the Fair Campaign Practices Act (FCPA). In 2011, Senate Bill 11-189 moved the primary election from the second Tuesday in August to the last Tuesday in June, but did not adjust the beginning of the FCPA's biweekly disclosure period. Senate Bill 12-014 moves the date for candidates, committees, and political parties to begin filing biweekly campaign finance disclosure reports with the Secretary of State before a primary election from the first Monday in July to the first Monday in May, resulting in biweekly disclosure reports for eight weeks prior to the primary election. **House Bill 12-1269** also addresses FCPA reporting. The bill increases the amount that a candidate committee in a special district election must spend or receive from \$20 to \$200 to trigger mandatory filing of campaign finance reports.

**House Bill 12-1067**, which was postponed indefinitely, would have established limits on campaign contributions to candidates for director of the Regional Transportation District and director of a school district. The limits would have been \$500 per election for individuals and political committees, and \$5,000 per election for small donor committees. The bill would also have required these candidates to file periodic disclosure statements with the Secretary of State. **House Bill 12-1279**, which was postponed indefinitely, would have created a system to publicly finance campaigns of candidates who are running for a state House or Senate seat in the Colorado General Assembly. The bill's provisions addressed the administration and enforcement of such a system, the eligibility of and requirements for candidates to participate in the system, and the system's funding through contributions received and submitted by candidates.

## Conduct and Administration of Elections

In elections with statewide ballot measures, the Secretary of State reimburses counties a set amount for each active, registered voter to help offset election costs in the counties. **House Bill 12-1143** increases the reimbursement to counties by \$0.10 for each active, registered voter in the county when statewide measures are on the ballot. Under the bill, the per-voter reimbursement increases from \$0.70 to \$0.80 in counties with more than 10,000 voters and from \$0.80 to \$0.90 in counties with 10,000 or fewer voters.

**House Bill 12-1292** makes various technical and nonsubstantive changes to elections laws, including altering and clarifying elections-related deadlines; updating procedures in light of modern elections practices or technology; correcting, streamlining, or harmonizing laws; repealing redundant provisions; and recognizing the existence of more than two major political parties. Among other things, the bill:

- adds tribal identification to the list of acceptable elector identification;
- makes identification of gender an optional response for a person registering to vote;
- allows county clerks to cancel incomplete registrations if the applicant fails to cure the deficiency within two years after being apprised;
- raises the fee to file as an unaffiliated candidate for president or vice president of the United States from \$500 to \$1,000;
- expands a candidate's permissible use of a nickname on a ballot from primary elections to all elections;

- allows any elections official, not just clerks and recorders, to designate student election judges;
- allows any person, not just election judges or eligible electors, to assist voters who need assistance; and
- requires designated elections officials to provide a mail ballot to a registered elector upon an in-person request at the official's office if such request is made prior to the ballot being mailed.

**House Bill 12-1293** makes various changes and clarifications in the laws governing recall elections. Among other things, the bill:

- prohibits profane or false statements in either the recall petition's statement of grounds for the recall or in the elected official's statement of justification;
- requires nonpartisan, non-school board recall election petitions to be filed with the political subdivision's designated election official, rather than with the district court;
- specifies the procedures for filing a recall petition for a political subdivision without a designated election official;
- clarifies the time frame for gathering recall petition signatures and the placement of the warning to electors about reading and signing the petition;
- requires the designated election official to provide the reason that a petition was rejected and sets forth procedures for correcting a petition and filing an appeal;
- requires the designated election official to notify the subject of the recall petition within 24 hours after delivery of the petition and make a copy of the petition available to him or her;
- requires the designated election official to notify the recall committee and the elected official on petition sufficiency within 15 business days;
- sets forth the time frame for cancelling a recall election if the elected official resigns;
- if a recall election is cancelled, clarifies that the person appointed as provided by law holds office until the next regularly scheduled election;
- clarifies that a recall election date must be set within 75 days of the petition being deemed sufficient and the protest period ending and clarifies that the recall election may be included as part of a regularly scheduled election within 90 days of the end of the protest period;
- requires the designated election official to submit a written mail ballot plan to the Secretary of State if a mail-ballot recall election is to be held and requires the Secretary of State to approve or disapprove the plan within five calendar days of receiving the plan;
- for statewide recall elections, requires that the Governor publish a notice of the election in the newspaper in the state with the largest circulation and that the Secretary of State publish notice on the department's official website;
- for non-statewide recall elections, requires that the designated election official publish notice in a newspaper of general circulation;
- for recall elections, requires the designated election official to meet all deadlines in the uniform election code for events that must be completed 45 days before the election no later than 42 days prior to the recall election;
- sets forth procedures for write-in candidates and nomination petitions for candidates in partisan and nonpartisan recall elections;
- requires a political subdivision to reimburse the county clerk for reasonable expenses related to the recall of an elected official of the subdivision; and
- makes various conforming amendments and technical changes.

**Senate Bill 12-155** was deemed lost, but the provisions of the reengrossed bill were amended onto **House Bill 12-1036**, concerning clarification of the exemption from the Colorado Open Records Act (CORA) for investigative files. The bill prohibits a designated election official from granting requests to publicly inspect ballots or internal batch reports that arise out of any election in the state for a period beginning 45 days immediately preceding an election and concluding on either the date by which the abstract of votes for the election in question must be certified or the date by which any recount is completed, whichever is later. During this stay period, interested parties may witness the handling of ballots in connection with a recount. Outside of the stay period, ballots must be made available upon request for inspection by the public, subject to existing CORA requirements and provisions to protect the privacy of electors. The bill requires that special care be given to protect the privacy of electors within discrete groups who are more susceptible of being personally identified (e.g., military and overseas electors, and voters in overlapping districts resulting in a pool of fewer than 10 voters). The actual costs incurred by the office of the election official in making the records available may be charged to the person requesting the inspection. The person seeking the records may try to minimize his or her costs by identifying the candidate contest, ballot issue, or ballot question for which information is being requested.

**Senate Bill 12-109**, which was postponed indefinitely, would have modified the requirements governing the regular maintenance of voter registration lists, specifically relating to elector status. The bill would have eliminated the "Inactive - failed to vote" (I-FTV) status for registered electors, changing the status of all registration records so marked to active elector. The bill would have required county clerks and recorders to restore permanent mail-in voter status for any of these electors who had previously selected permanent mail-in voter status. The status of a registered elector who was sent a mail ballot that was returned as undeliverable would have been changed from "Inactive - undeliverable" to "Inactive - returned mail." The clerk and recorder would have been required to mail a voter confirmation card to any elector whose ballot was returned by the United States Postal Service as undeliverable. Further, the bill would have required increased use of the national change of address database and authorized county clerk and recorders to update voter records based on new information discovered in these database searches.

**Senate Bill 12-147**, which was postponed indefinitely, would have made it a class 5 felony to prevent or dissuade a person from voting by knowingly making false statements regarding election procedures or voter eligibility, if the communication is within 90 days of an election. The bill also included requirements regarding investigating credible reports of violations and reporting them to the legislature.

**House Bill 12-1267**, which was deemed lost, would have streamlined pre-election tasks in the administration of elections. Specifically, the bill would have:

- given a political subdivision, with the approval of the Secretary of State, the ability to establish a vote center for a general election, even if the subdivision had not previously used a vote center in a non-general election;
- repealed the requirement that mail-in ballots have a ballot stub;
- consolidated various mailings to voters prior to mail ballot elections and specified that these mailings are to be sent by nonforwardable mail; and
- reduced the period for early voting to the seven days prior to the election for elections after January 1, 2013, and specified that while county commissioners may vote to extend the hours of early voting, they may not increase the number of days (under current law early voting may occur for 15 days before a general election and 10 days before a primary or special election).

As amended in the Senate, the bill included provisions from Senate Bill 12-109 regarding I-FTV electors. The Senate and House versions of the bill were never reconciled.

**Senate Bill 12-135**, which was deemed lost, would have required the Secretary of State to establish a system to display statewide election-night returns on the official Secretary of State website beginning with the 2012 primary election. The system would have been made available at no cost to county clerks, and the bill included an appropriation for purchase of the system from the Department of State Cash Fund.

For counties with population of less than 70,000, the board of county commissioners is comprised of three elected officials each representing a geographic district of approximately one-third of the county's population. All electors in the county vote for a candidate in each of the three district elections. **House Bill 12-1159**, which was postponed indefinitely, would have allowed the voters of a county with a population of less than 70,000 to change the method of election so that each commissioner is elected exclusively by the voters residing within that district, an option already available to counties with a population of 70,000 or more. To change the method of electing county commissioners, the bill would have authorized a referred or initiated countywide ballot measure in the next general election.

## **Initiative and Referendum**

**House Bill 12-1089** makes changes to the wording of statewide ballot titles for initiated and referred measures. Beginning with the 2012 election, language must specify that the measure is either a "change to the Colorado Revised Statutes" or an "amendment to the Colorado Constitution." Beginning with the following election cycle (either 2013 or 2014, depending on when statewide measures appear on the ballot), the voting options are changed from "Yes" and "No" to "Yes/For" and "No/Against," and the specific requirements that blank spaces be to the right of these choices and that the voter's mark must be an "X" are removed.

**House Bill 12-1313** makes several changes to the procedures of the statewide initiative Title Board, including:

- clarifying the authority of the Secretary of State and Attorney General to designate a representative to serve on the Title Board;
- requiring a person who submits a motion for a rehearing before the Title Board to specify the grounds for the rehearing and requiring that the motion be typewritten;
- specifying that after the Title Board takes action on a motion for rehearing, no further motions for rehearing may be heard; and
- codifying case law stipulating that appeals of Title Board decisions must be filed with the Colorado Supreme Court within five business days.

**House Bill 12-1024**, which was postponed indefinitely, would have required that ballot titles be written, to the extent possible, in plain, nontechnical language that is understandable to the average reader. **House Bill 12-1076**, which was postponed indefinitely, would have allowed initiative and referendum petitions to include space for a registered voter who is signing the petition to voluntarily provide his or her telephone number and e-mail address. If included on the petition form, the petition would be required to clearly state that this information is not required in order to sign the petition.

**House Concurrent Resolution 12-1003**, which was postponed indefinitely, would have referred a constitutional amendment to the voters at the 2012 general election changing the process for future initiated amendments to the state constitution. Under the amendment, future constitutional amendments would have required a certain number of petition signatures to be collected in each of the state's seven congressional districts to get on the ballot and would have required at least 60 percent of the vote in order to be adopted. Additionally, the amendment included a "grandfather" provision allowing voters to repeal constitutional amendments approved before 2013 with a simple majority vote.

### **Military and Overseas Voters**

**Senate Bill 12-062** makes several changes to voting by military personnel, including:

- allowing overseas military voters to request a mail ballot by providing an officer, either verbally or in writing, with the information necessary to request a mail-in ballot on the voter's behalf;
- requiring county clerks to accept an unsigned federal postcard application for a voter if an officer provides a signed statement stating that the voter provided this information;
- adding a valid veteran identification card, with a photograph of the voter issued by the Veterans Health Administration in the federal Department of Veterans Affairs, as an allowable form of identification for voting purposes; and
- removing statutory language stating that the Internet-based Voting Pilot Program in the Department of State will not occur if sufficient gifts, grants, and donations are not received.

As introduced, the bill would have transferred funding to the Internet-based Voting Pilot Program, but this provision was removed because beginning in FY 2011-12, the program is funded through the annual budget process.

### **Voter Registration and Identification**

**House Bill 12-1111**, which was postponed indefinitely, would have required that identification used for election-related purposes include a photograph of the individual. An exception was provided for residents of state-licensed institutions, allowing them to use a Medicare or Medicaid card as voter identification. Other forms of identification that do not have a photograph of the individual would have been removed from the list of acceptable identification.

**House Bill 12-1298**, which was postponed indefinitely, would have allowed a person who had reached 16 years of age, but who would not have been 18 years of age by the date of the next election, to preregister to vote. Preregistered voters would then have been automatically registered upon turning 18 years of age.

### **Voting Powers**

**House Bill 12-1169** amends the state's open meetings law to prohibit a state or local public body from adopting any proposed policy, position, resolution, rule, or regulation, or take other formal action, by secret ballot unless otherwise authorized in accordance with the open meetings law. Under the bill, state and local public bodies may conduct leadership elections by secret ballot, but must record the total number of votes cast for each candidate in the meeting minutes during the meeting.