

COLORADO SECRETARY OF STATE

8 CCR 1505-1

ELECTION RULES

Revised Draft of Proposed Rules

April 30, 2009

This draft supersedes the Preliminary Draft that was issued with the Notice of Proposed Rulemaking on March 31, 2009. This rulemaking hearing to be conducted on May 5, 2009 will use this Final Draft.

This draft copy of the proposed rule amendments is made available to the public and posted on the Department of State's web site, in compliance with the requirement of section 24-4-103 (4) (a), C.R.S., that "Any proposed rule or revised proposed rule by an agency which is to be considered at the public hearing . . . shall be made available to any person at least five days prior to said hearing."

*Proposed additions to the current rules are reflected in SMALL CAPS or underlined. Proposed deletions from current rules are shown in ~~stricken type~~. **Shading** indicates revisions from the previous draft. Annotations may be included.*

1 Rule 1.1 would be amended as follows:

2
3 1.1 As used in these Rules and the "Uniform Election Code of 1992" unless the
4 context otherwise requires, the following terms shall have the meanings indicated:

5
6 A. "ACTIVE STATUS" OR "ACTIVE RECORD" MEANS THAT THERE ARE NO
7 CONDITIONS OR RESTRICTIONS ON THE VOTER'S ELIGIBILITY. ACTIVE
8 STATUS VOTERS' NAMES WILL APPEAR ON THE POLL BOOK, THEY WILL
9 ~~RECEIVE BE SENT~~ A BALLOT IN A MAIL BALLOT ELECTION, AND THEY WILL
10 ~~RECEIVE BE SENT~~ ELECTION NOTICE MAILINGS.

11
12 B. "CANCELLED STATUS" OR "CANCELLED RECORD" MEANS THAT THE
13 VOTER'S ELIGIBILITY HAS BEEN CANCELLED OR REVOKED IN ACCORDANCE
14 WITH THESE RULES AND TITLE 1, C.R.S. CANCELLED VOTERS' RECORDS
15 WILL REMAIN IN THE STATEWIDE VOTER REGISTRATION DATABASE;
16 HOWEVER, THEY ARE NOT ELIGIBLE TO VOTE IN ANY ELECTION. CANCELLED
17 STATUS VOTERS' NAMES WILL NOT APPEAR ON THE POLL BOOK AND THEY
18 WILL NOT ~~RECEIVE BE SENT~~ ELECTION NOTICE MAILINGS.

- 1 C. "CONFIRMATION CARD" MEANS A MAILING BY FORWARDABLE MAIL THAT
2 INCLUDES A REGISTRATION FORM SO THAT THE VOTER MAY UPDATE HIS OR
3 HER REGISTRATION OR REQUEST A MAIL-IN BALLOT. THE MAILING SHALL BE
4 POSTAGE PREPAID AND HAVE A RETURNABLE PORTION THAT IS
5 PREADDRESSED TO THE SENDING COUNTY CLERK AND RECORDER.
6
- 7 D. "District office of state concern" means any of the following offices:
8 Member of the State Board of Education, Member of the Board of Regents
9 of the University of Colorado, and Member of the Board of Directors of
10 the Regional Transportation District.
11
- 12 E. "INACTIVE – FAILED TO VOTE STATUS" MEANS THAT THE VOTER WAS
13 ACTIVE PRIOR TO A GENERAL ELECTION, BUT SUBSEQUENTLY FAILED TO
14 VOTE IN THAT GENERAL ELECTION. INACTIVE – FAILED TO VOTE STATUS
15 VOTERS ARE ELIGIBLE VOTERS; THEIR NAMES WILL APPEAR ON THE POLL
16 BOOK AND THEY WILL ~~RECEIVE BE SENT~~ ELECTION NOTICE MAILINGS.
17
- 18 F. "INACTIVE – NCOA STATUS" MEANS THAT THE COUNTY CLERK AND
19 RECORDER HAS RECEIVED INFORMATION FROM THE UNITED STATES POSTAL
20 SERVICE NATIONAL CHANGE OF ADDRESS SERVICE. INACTIVE - NCOA
21 STATUS VOTERS ARE ELIGIBLE VOTERS AND THEIR NAMES WILL APPEAR ON
22 THE POLL BOOK; HOWEVER, THEY WILL NOT ~~RECEIVE BE SENT~~ ELECTION
23 NOTICE MAILINGS.
24
- 25 G. "INACTIVE – RETURNED MAIL STATUS" OR "INACTIVE – UNDELIVERABLE
26 STATUS" MEANS THAT A VOTER INFORMATION CARD OR CONFIRMATION
27 CARD WAS RETURNED TO THE COUNTY CLERK AND RECORDER BY THE
28 UNITED STATES POSTAL SERVICE AS UNDELIVERABLE. INACTIVE –
29 RETURNED MAIL AND INACTIVE – UNDELIVERABLE STATUS VOTERS ARE
30 ELIGIBLE VOTERS AND THEIR NAMES WILL APPEAR ON THE POLL BOOK;
31 HOWEVER, THEY WILL NOT ~~RECEIVE BE SENT~~ ELECTION NOTICE MAILINGS.
32
- 33 H. "INACTIVE – UNDELIVERABLE BALLOT STATUS" MEANS THAT A VOTER WAS
34 MAILED A BALLOT THAT WAS SUBSEQUENTLY RETURNED TO THE COUNTY
35 CLERK AND RECORDER BY THE UNITED STATES POSTAL SERVICE AS
36 UNDELIVERABLE. INACTIVE – UNDELIVERABLE BALLOT STATUS VOTERS
37 ARE ELIGIBLE VOTERS AND THEIR NAMES WILL APPEAR ON THE POLL BOOK;
38 HOWEVER, THEY WILL NOT ~~RECEIVE BE SENT~~ ELECTION NOTICE MAILINGS.
39
40

41 Rule 2.10 would be amended as follows:
42

43 2.10 Changes to an Elector's Voter Registration Record.
44

- 45 2.10.1 If an elector submits a change to his or her voter registration record that
46 does not contain all of the information required by sections 1-2-216 or 1-

1 2-219, C.R.S., the county clerk and recorder may not make the requested
2 change, unless the county clerk and recorder can confidently identify the
3 voter, otherwise the county clerk and recorder shall notify the voter what
4 additional information is required to process the request.
5

6 2.10.2 IF AN ELECTOR SUBMITS A CHANGE TO HIS OR HER VOTER REGISTRATION
7 RECORD AND WRITES OR SELECTS A NAME OF AN ORGANIZATION THAT IS
8 NOT A QUALIFIED POLITICAL PARTY OR QUALIFIED POLITICAL
9 ORGANIZATION, OR WRITES "NONE", THE ELECTOR'S AFFILIATION SHALL BE
10 RECORDED AS "UNAFFILIATED".
11

12 2.10.3 IF AN ELECTOR SUBMITS A CHANGE TO HIS OR HER VOTER REGISTRATION
13 RECORD AND LEAVES THE AFFILIATION SECTION BLANK, NO CHANGE WILL
14 BE MADE TO THE VOTER'S AFFILIATION IN THE REGISTRATION RECORD.
15
16

17 New rule 2.18 would be adopted as follows:
18

19 2.18 LIST MAINTENANCE PURSUANT TO SECTION 8 OF THE NATIONAL VOTER
20 REGISTRATION ACT OF 1993.
21

22 2.18.1 WHEN A VOTER INFORMATION CARD OR CONFIRMATION CARD IS RETURNED
23 BY THE UNITED STATES POSTAL SERVICE TO THE COUNTY CLERK AND
24 RECORDER AS UNDELIVERABLE, THE COUNTY CLERK AND RECORDER SHALL
25 MARK THE VOTER'S RECORD "INACTIVE – RETURNED MAIL" AND IN THE
26 CASE OF A RETURNED VOTER INFORMATION CARD, SHALL MAIL A
27 CONFIRMATION CARD.
28

29 2.18.2 NATIONAL CHANGE OF ADDRESS (NCOA). NO LATER THAN JUNE 1 OF
30 EVERY ODD-NUMBERED YEAR, THE SECRETARY OF STATE SHALL UTILIZE
31 THE NCOA SERVICE TO COMPARE THE RECORDS OF ALL VOTERS MARKED
32 "INACTIVE – FAILED TO VOTE" WITH THE NCOA DATABASE.
33

34 A. THE SECRETARY OF STATE SHALL FORWARD A LIST TO EACH
35 COUNTY CLERK AND RECORDER OF THE RECORDS THAT APPEAR TO
36 HAVE A CHANGE OF ADDRESS BASED UPON THE NCOA
37 COMPARISON.
38

39 B. THE COUNTY CLERK AND RECORDER SHALL SEND A CONFIRMATION
40 CARD TO EACH VOTER WHO APPEARS TO HAVE A CHANGE OF
41 ADDRESS AND SHALL MARK THE RECORD "INACTIVE – NCOA".
42

43 2.18.3 IN ACCORDANCE WITH SECTION 1-2-605(7), C.R.S., NO LATER THAN 90
44 DAYS FOLLOWING A GENERAL ELECTION, THE COUNTY CLERK AND
45 RECORDER IN EACH COUNTY SHALL CANCEL ONLY THE REGISTRATIONS OF
46 ELECTORS:

- A. WHOSE RECORDS HAVE BEEN MARKED “INACTIVE – RETURNED MAIL”, “INACTIVE – NCOA” OR “INACTIVE – UNDELIVERABLE BALLOT”,
- B. WHO HAVE BEEN MAILED A CONFIRMATION CARD; AND
- C. WHO HAVE SINCE FAILED TO VOTE IN TWO CONSECUTIVE FEDERAL ELECTIONS.

New Rule 50 would be adopted as follows:

50. RULES CONCERNING THE ELECTIONS BEST PRACTICES AND VISION COMMISSION

50.1 PURPOSE

50.1.1 THE SECRETARY OF STATE RECOGNIZES THAT NONPARTISAN AND OPEN DISCUSSION REGARDING THE ADMINISTRATION AND CONDUCT OF ELECTIONS IN COLORADO IS NECESSARY TO ENSURE THAT EVERY ELIGIBLE CITIZEN HAS THE OPPORTUNITY TO PARTICIPATE IN FAIR, ACCESSIBLE, AND IMPARTIAL ELECTIONS, AND HAS THE ASSURANCE THAT HIS OR HER VOTE WILL COUNT.

50.1.2 THE SECRETARY OF STATE SHALL ESTABLISH A BEST PRACTICES AND VISION COMMISSION (THE COMMISSION) TO PROVIDE GUIDANCE TO THE SECRETARY OF STATE ON ISSUES CONCERNING THE VISION OF ELECTIONS AND VOTING IN COLORADO AND BEST PRACTICES IN THE ADMINISTRATION OF ELECTIONS.

50.1.3 THE COMMISSION SHALL CONSIDER ALL ASPECTS OF VOTING AND ELECTIONS IN COLORADO INCLUDING, BUT NOT LIMITED TO: THE CONDUCT AND ADMINISTRATION OF ELECTIONS; BEST PRACTICES, TECHNOLOGY, SIMPLICITY, UNIFORMITY AND STANDARDIZATION.

50.2 MEMBERSHIP OF THE COMMISSION

50.2.1 THE COMMISSION MEMBERSHIP SHALL INCLUDE 15-19 MEMBERS WHO ARE APPOINTED BY THE SECRETARY OF STATE.

50.2.2 THE MEMBERSHIP SHALL INCLUDE REPRESENTATION FROM THE GENERAL PUBLIC INCLUDING, BUT NOT LIMITED TO:

- A. COUNTY CLERK AND RECORDERS OR EMPLOYEES OF COUNTY CLERK AND RECORDERS’ OFFICES WHOSE DUTIES INCLUDE ELECTIONS ADMINISTRATION,

1 B. OTHER DESIGNATED ELECTION OFFICIALS OR EMPLOYEES OF
2 DESIGNATED ELECTION OFFICIALS' OFFICES WHOSE DUTIES INCLUDE
3 ELECTIONS ADMINISTRATION,
4

5 C. POLITICAL PARTIES; AND
6

7 D. VOTING ADVOCACY GROUPS.
8

9 50.2.3 THE SECRETARY OF STATE, OR HIS OR HER DESIGNEE, SHALL BE A MEMBER
10 AND SHALL CHAIR THE COMMISSION.
11

12 50.2.4 THE SECRETARY OF STATE'S OFFICE SHALL PROVIDE STAFF SUPPORT TO THE
13 COMMISSION.
14

15 50.3 MEETINGS
16

17 50.3.1 THE COMMISSION SHALL MEET NO FEWER THAN TWO TIMES ANNUALLY.
18 MEETINGS SHALL BE OPEN TO THE PUBLIC.
19

20 50.3.2 NOTICES AND RECORDS OF MEETINGS SHALL BE PUBLISHED ON THE
21 OFFICIAL WEBSITE OF THE SECRETARY OF STATE.
22

23 50.3.3 THE COMMISSION MAY REQUEST PARTICIPATION OR INFORMATION TO BE
24 PROVIDED BY COUNTY CLERKS AND RECORDERS OR THEIR ELECTIONS STAFF,
25 POLITICAL PARTIES, VENDORS, TECHNICAL EXPERTS, OR OTHER MEMBERS
26 OF THE PUBLIC, AS MAY BE APPROPRIATE.