

**First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 21-0658.01 Pierce Lively x2059

**HOUSE BILL 21-1086**

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**HOUSE SPONSORSHIP**

**Luck,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**

State, Civic, Military and Veterans Affairs

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING REQUIREMENTS TO PROVIDE PROOF OF CITIZENSHIP TO**  
102      **VOTE.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill provides that only an elector who has provided proof of citizenship can vote in an election. Registered electors who have presented a county clerk and recorder with proof of citizenship receive regular mail ballots. All other registered electors receive provisional mail ballots. Electors who receive provisional mail ballots must present those ballots at the county clerk and recorder's office and must provide proof of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

citizenship at the county clerk and recorder's office.

The bill also ensures that only voters who have provided proof of citizenship can cast a regular in-person ballot.

Finally, the bill requires the computerized statewide voter registration list maintained by the secretary of state to note whether an elector has shown proof of citizenship.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 1-2-201, **amend**  
3 (3)(a); and **add** (3)(c) as follows:

4 **1-2-201. Registration required - deadlines - additional**  
5 **identifying information to be provided by first-time registrants.**

6 (3) (a) Any other provisions of this ~~title~~ TITLE 1 to the contrary  
7 notwithstanding, an elector is permitted to vote in any primary,  
8 presidential, general, coordinated, special legislative, municipal,  
9 congressional vacancy, special district, or other election if he or she  
10 timely registers to vote AND PROVIDES PROOF OF CITIZENSHIP before or on  
11 the date of such election.

12 (c) (I) TO PROVIDE PROOF OF CITIZENSHIP, THE ELECTOR MUST  
13 APPEAR IN PERSON AT THE ELECTOR'S COUNTY CLERK AND RECORDER'S  
14 OFFICE AT ANY TIME DURING WHICH REGISTRATION OR VOTING IS  
15 PERMITTED AND MUST PROVIDE:

16 (A) AN UNEXPIRED UNITED STATES PASSPORT OR A LEGIBLE  
17 CERTIFIED PHOTOCOPY OF THE PERTINENT PAGES OF THE PASSPORT,  
18 IDENTIFYING THE ELECTOR AND SHOWING THE PASSPORT NUMBER;

19 (B) THE ELECTOR'S BIRTH CERTIFICATE OR A LEGIBLE CERTIFIED  
20 PHOTOCOPY OF THE BIRTH CERTIFICATE, ALONG WITH A  
21 GOVERNMENT-ISSUED PHOTO IDENTIFICATION DOCUMENT; OR

22 (C) THE ELECTOR'S UNITED STATES NATURALIZATION

1 DOCUMENTATION, A LEGIBLE CERTIFIED PHOTOCOPY OF THE  
2 NATURALIZATION DOCUMENTATION, OR THE NUMBER OF THE ELECTOR'S  
3 CERTIFICATE OF NATURALIZATION; EXCEPT THAT AN ELECTOR WHO  
4 PROVIDES THE NUMBER OF THE CERTIFICATE OF NATURALIZATION IN LIEU  
5 OF THE NATURALIZATION DOCUMENTATION SHALL NOT BE REGISTERED  
6 UNTIL THE COUNTY CLERK AND RECORDER VERIFIES THE NUMBER WITH  
7 THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES IN THE  
8 DEPARTMENT OF HOMELAND SECURITY OR ITS SUCCESSOR.

9 (II) IF AN ELECTOR PROVIDES PROOF OF CITIZENSHIP IN  
10 ACCORDANCE WITH SUBSECTION (3)(c)(I) OF THIS SECTION, IT SHALL BE  
11 RECORDED IN THE COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST.

12 **SECTION 2.** In Colorado Revised Statutes, 1-2-217.7, **amend**  
13 (4)(a)(III) and (4)(a)(IV); and **add** (4)(a)(V) as follows:

14 **1-2-217.7. Registration on or immediately prior to election day**  
15 **- locations - rules - legislative declaration. (4) Registration at voter**  
16 **service and polling centers.** (a) An elector may register and vote prior  
17 to an election or on election day if the elector:

18 (III) Completes and signs the self-affirmation specified in section  
19 1-2-205; and

20 (IV) Completes and signs the affidavit described in ~~paragraph (b)~~  
21 ~~of this subsection (4)~~ SUBSECTION (4)(b) OF THIS SECTION; AND

22 (V) PROVIDES PROOF OF CITIZENSHIP IN ACCORDANCE WITH  
23 SECTION 1-2-201 (3)(c).

24 **SECTION 3.** In Colorado Revised Statutes, 1-2-302, **amend**  
25 (1.5)(b) and (1.5)(c); and **add** (1.5)(d) as follows:

26 **1-2-302. Maintenance of computerized statewide voter**  
27 **registration list - confidentiality.** (1.5) The maintenance of the

1 computerized statewide voter registration list by the secretary of state  
2 pursuant to section 1-2-301 (1) shall be conducted in a manner that  
3 ensures that:

4 (b) Only the names of voters who are not registered or who are not  
5 eligible to vote are removed from the computerized statewide voter  
6 registration list; ~~and~~

7 (c) Duplicate names are removed from the computerized statewide  
8 voter registration list; AND

9 (d) PROOF OF CITIZENSHIP PROVIDED IN ACCORDANCE WITH  
10 SECTION 1-2-201 (3)(c) IS NOTED IN THE STATEWIDE COMPUTERIZED  
11 VOTER REGISTRATION LIST.

12 **SECTION 4.** In Colorado Revised Statutes, 1-7-110, **amend**  
13 (1)(b) and (5) as follows:

14 **1-7-110. Preparing to vote in person.** (1) (b) Except as provided  
15 in subsection (4) of this section, an eligible elector desiring to vote in  
16 person shall show his or her identification as defined in section 1-1-104  
17 (19.5), PROVIDE PROOF OF CITIZENSHIP IN ACCORDANCE WITH SECTION  
18 1-2-201 (3)(c) IF THE ELECTOR HAS NOT PREVIOUSLY PROVIDED SUCH  
19 PROOF OF CITIZENSHIP, verify the information that appears on the  
20 signature card, sign the signature card, and give the signature card to one  
21 of the election judges. An eligible elector who is unable to write may  
22 request assistance from one of the election judges, who shall also sign the  
23 signature card and witness the eligible elector's mark. The signature card  
24 shall provide:

25 I, ....., state under penalty of perjury that I am an  
26 eligible elector; that my name and sole legal place of  
27 residence are as shown on this signature card; and that I

1           have not nor will I cast a ballot by any other means in this  
2           election.

3           (5) An eligible elector who does not reside within the county but  
4           wishes to vote at a polling location AND HAS PROVIDED PROOF OF  
5           CITIZENSHIP IN ACCORDANCE WITH SECTION 1-2-201 (3)(c) is entitled to  
6           receive a mail ballot or replacement mail ballot that contains the names  
7           of candidates for statewide federal and state offices and statewide ballot  
8           issues and ballot questions. The secretary of state shall certify the content  
9           of the ballot to the county clerk and recorder.

10           **SECTION 5.** In Colorado Revised Statutes, 1-7.5-103, **amend**  
11           (5); and **add** (3.7) as follows:

12           **1-7.5-103. Definitions.** As used in this article 7.5, unless the  
13           context otherwise requires:

14           (3.7) "MAIL BALLOT" MEANS A BALLOT SENT TO AN ELECTOR BY  
15           MAIL THAT IS NOT A PROVISIONAL BALLOT.

16           (5) (a) "Mail ballot packet" means the packet of information  
17           provided by the designated election official to eligible electors in the mail  
18           ballot election and to persons preregistered to vote pursuant to section  
19           1-2-101 (2) who will be eighteen years of age on the date of the mail  
20           ballot election.

21           (b) FOR ELECTORS WHO HAVE PROVIDED PROOF OF CITIZENSHIP IN  
22           ACCORDANCE WITH SECTION 1-2-201 (3)(c), the packet includes the MAIL  
23           ballot, instructions for completing the ballot, a return envelope, and, if  
24           applicable, a secrecy envelope or sleeve.

25           (c) FOR ELECTORS WHO HAVE NOT PROVIDED PROOF OF  
26           CITIZENSHIP IN ACCORDANCE WITH SECTION 1-2-201 (3)(c), THE PACKET  
27           INCLUDES A PROVISIONAL BALLOT, A PROVISIONAL IDENTIFICATION

1 BALLOT ENVELOPE, AND INSTRUCTIONS FOR COMPLETING AND RETURNING  
2 THE PROVISIONAL BALLOT AND PROVIDING PROOF OF CITIZENSHIP.

3 **SECTION 6.** In Colorado Revised Statutes, 1-7.5-104.5, **amend**  
4 (2)(b)(III) and (2)(b)(IV); and **add** (2)(b)(V) as follows:

5 **1-7.5-104.5. Ballots and supplies for mail voting.** (2) (b) The  
6 approved form must include, at a minimum:

7 (III) Information regarding how to vote and return the ballot or  
8 obtain a replacement; ~~and~~

9 (IV) Instructions to include adequate postage; AND

10 (V) INSTRUCTIONS REGARDING HOW TO RETURN A PROVISIONAL  
11 BALLOT INCLUDED IN A MAIL BALLOT PACKET IN PERSON TO THE COUNTY  
12 CLERK AND RECORDER'S OFFICE AND HOW TO PROVIDE PROOF OF  
13 CITIZENSHIP IN ACCORDANCE WITH SECTION 1-2-201 (3)(c).

14 **SECTION 7.** In Colorado Revised Statutes, 1-7.5-105, **amend**  
15 (1.3)(d) as follows:

16 **1-7.5-105. Preelection process - rules.** (1.3) The election plan  
17 required under subsection (1) of this section must include, at a minimum:

18 (d) A copy of the mail ballot ~~packet~~ PACKETS that will be used in  
19 the election;

20 **SECTION 8.** In Colorado Revised Statutes, 1-7.5-106.5, **amend**  
21 (1) and (3) as follows:

22 **1-7.5-106.5. Registration record - list of mail ballots.**

23 (1) Before any mail ballot PACKET is delivered or mailed or before any  
24 eligible elector is permitted to cast a vote at an election where the county  
25 clerk and recorder is the designated election official, the designated  
26 election official shall record the date the MAIL ballot PACKET is delivered  
27 or mailed in the statewide voter registration database.

1           (3) The county clerk and recorder or designated election official  
2 shall record in the statewide voter registration system created in section  
3 1-2-301 (1) the names and precinct numbers of eligible electors, together  
4 with the date on which the mail ballot PACKET was sent and the date on  
5 which each mail ballot OR PROVISIONAL BALLOT was returned or  
6 otherwise cast. For unaffiliated electors in a primary election, the county  
7 clerk and recorder shall record which political party's ballot the elector  
8 cast. If a mail ballot OR PROVISIONAL BALLOT is not returned or otherwise  
9 cast, or if it is rejected and not counted, that fact must be recorded in the  
10 statewide voter registration system. The information is subject to public  
11 inspection under applicable laws and rules.

12           **SECTION 9.** In Colorado Revised Statutes, 1-7.5-107, **amend**  
13 (2.7), (3)(a)(I), (3)(b), (3.5)(a), (4)(b)(I) introductory portion, (6), and (7);  
14 and **add** (4)(e) and (5)(d) as follows:

15           **1-7.5-107. Procedures for conducting mail ballot election -**  
16 **primary elections - first-time voters casting a mail ballot after having**  
17 **registered by mail to vote - in-person request for ballot - repeal.**

18 (2.7) Subsequent to the preparation of ballots in accordance with section  
19 1-5-402 but prior to the mailing required under subsection (3) of this  
20 section, and no sooner than forty-five days nor later than thirty-two days  
21 before an election, a designated election official shall provide a mail  
22 ballot PACKET to a registered elector requesting ~~the~~ A ballot at the  
23 designated election official's office or the office designated in the election  
24 plan filed with the secretary of state.

25           (3) (a) (I) Not sooner than twenty-two days before a general,  
26 primary, or other mail ballot election, and no later than eighteen days  
27 before the election, the county clerk and recorder or designated election

1 official shall mail to each active registered elector, at the last mailing  
2 address appearing in the registration records and in accordance with  
3 United States postal service regulations, a mail ballot packet, which must  
4 be marked "DO NOT FORWARD. ADDRESS CORRECTION  
5 REQUESTED.", or any other similar statement that is in accordance with  
6 United States postal service regulations. UNLESS THE ACTIVE REGISTERED  
7 ELECTOR HAS PROVIDED PROOF OF CITIZENSHIP IN ACCORDANCE WITH  
8 SECTION 1-2-201 (3)(c), THE MAIL BALLOT PACKET MUST ONLY INCLUDE  
9 A PROVISIONAL BALLOT, A PROVISIONAL IDENTIFICATION BALLOT  
10 ENVELOPE, AND INSTRUCTIONS FOR COMPLETING AND RETURNING THE  
11 PROVISIONAL BALLOT AND PROVIDING PROOF OF CITIZENSHIP. For a  
12 primary mail ballot election, active registered electors includes  
13 preregistrants eligible to vote in that primary under section 1-2-101 (2)(c).  
14 Nothing in this subsection (3) affects any provision of this code  
15 governing the delivery of mail ballots to an absent uniformed services  
16 elector, nonresident overseas elector, or resident overseas elector covered  
17 by the federal "Uniformed and Overseas Citizens Absentee Voting Act",  
18 52 U.S.C. sec. 20301 et seq.

19 (3) (b) The ballot or ballot label shall contain the following  
20 warning:

21 WARNING:

22 Any person who, by use of force or other means, unduly  
23 influences an eligible elector to vote in any particular  
24 manner or to refrain from voting, or who falsely makes,  
25 alters, forges, or counterfeits any mail ballot before or after  
26 it has been cast, or who destroys, defaces, mutilates, or  
27 tampers with a ballot is subject, upon conviction, to



1           imprisonment, or to a fine, or both.

2           (3.5) (a) Unless otherwise provided by section 1-2-201 (5), the  
3 requirements of this subsection (3.5) apply to a person who registered to  
4 vote in accordance with article 2 of this ~~title~~ TITLE 1, PROVIDED PROOF OF  
5 CITIZENSHIP IN ACCORDANCE WITH SECTION 1-2-201 (3)(c), and who has  
6 not previously voted in an election in Colorado.

7           (4) (b) (I) ~~The~~ AN eligible elector WHO RECEIVED A MAIL BALLOT  
8 may:

9           (e) AN ELIGIBLE ELECTOR WHO RECEIVED A PROVISIONAL BALLOT  
10 MAY NOT RETURN THE BALLOT BY MAIL. THE ELECTOR MUST RETURN THE  
11 PROVISIONAL BALLOT IN PERSON TO THE COUNTY CLERK AND RECORDER'S  
12 OFFICE AND PROVIDE PROOF OF CITIZENSHIP IN ACCORDANCE WITH  
13 SECTION 1-2-201 (3)(c).

14           (5) (d) IN ACCORDANCE WITH SECTION 1-7.5-204 (4), ELECTION  
15 JUDGES SHALL SET ASIDE ALL PROVISIONAL BALLOTS THAT ARE RETURNED  
16 BY MAIL AND SUCH BALLOTS MAY NOT BE COUNTED. THE BALLOTS SHALL  
17 BE PRESERVED IN THE SAME MANNER AS REJECTED BALLOTS IN  
18 ACCORDANCE WITH SECTION 1-7.5-209.

19           (6) All deposited MAIL ballots shall be counted as provided in this  
20 ~~article~~ ARTICLE 7.5 and by rules promulgated by the secretary of state. A  
21 mail ballot is valid and shall be counted only if it is returned in the return  
22 envelope, the self-affirmation on the return envelope is signed and  
23 completed by the eligible elector to whom the ballot was issued, and the  
24 information on the return envelope is verified in accordance with  
25 subsection (5) of this section. Mail ballots shall be counted in the same  
26 manner provided by section 1-7-307 for counting paper ballots or section  
27 1-7-507 for counting electronic ballots. If the election official determines

1 that an eligible elector to whom a replacement ballot has been issued has  
2 returned more than one ballot, the first ballot received is the accepted  
3 ballot. All candidates and issues for which the voter is eligible to vote  
4 will be counted on the accepted ballot. Rejected ballots shall be handled  
5 in the same manner as provided in sections 1-7.5-204 and 1-7.5-210.

6 (7) If, by the close of polls, an elector deposits a MAIL ballot at a  
7 drop-off location in a county in which the elector does not reside, the  
8 county clerk and recorder, upon discovering that fact, shall timely deliver  
9 the ballot to the county clerk and recorder of the county in which the  
10 elector resides, who shall accept the ballot for processing.

11 **SECTION 10.** In Colorado Revised Statutes, **amend** 1-7.5-108.5  
12 as follows:

13 **1-7.5-108.5. Designation of inactive status in connection with**  
14 **mailing of mail ballots.** In connection with any election conducted on or  
15 after May 10, 2013, if a mail ballot PACKET sent to a registered elector is  
16 returned by the United States postal service as undeliverable, the county  
17 clerk and recorder shall mark the registration record of that elector with  
18 the word "Inactive". The clerk and recorder shall mail a confirmation card  
19 pursuant to section 1-2-605 to any elector whose MAIL ballot PACKET was  
20 returned by the United States postal service as undeliverable.

21 **SECTION 11.** In Colorado Revised Statutes, 1-7.5-113, **amend**  
22 (1) as follows:

23 **1-7.5-113. Voting at group residential facilities.** (1) If a group  
24 residential facility does not have mail boxes in which a representative of  
25 the United States postal service may directly deposit mail, and more than  
26 seven mail ballots BALLOT PACKETS are to be sent to that group residential  
27 facility, a committee consisting of one employee of the county clerk and

1 recorder of the county in which the facility is located and, where  
2 available, a representative appointed by each of the major political parties  
3 shall deliver the mail ~~ballots~~ BALLOT PACKETS and return the voted ballots  
4 to the office of the county clerk and recorder.

5 **SECTION 12.** In Colorado Revised Statutes, 1-7.5-114.5, **amend**  
6 (1), (2)(a), (2)(b), and (2)(c) as follows:

7 **1-7.5-114.5. Replacement ballots - ballots for new electors -**  
8 **ballots for electors who updated their records.** (1) An eligible elector  
9 may obtain a replacement MAIL OR PROVISIONAL ballot if the MAIL OR  
10 PROVISIONAL ballot that was originally mailed to the elector was  
11 destroyed, spoiled, lost, or for some other reason not received by the  
12 elector. To obtain a replacement MAIL OR PROVISIONAL ballot by mail, the  
13 elector shall make a request to the county clerk and recorder for a  
14 replacement MAIL OR PROVISIONAL ballot no later than the eighth day  
15 before an election. The county clerk shall not mail a replacement MAIL OR  
16 PROVISIONAL ballot to the elector making the request if the clerk has  
17 already received a MAIL OR PROVISIONAL ballot for that election from the  
18 elector making the request.

19 (2) (a) Commencing on the fifteenth day before the election, the  
20 county clerk and recorder shall deliver any MAIL OR PROVISIONAL ballot  
21 that must be sent by mail to the United States postal service within two  
22 business days after processing a registration application or an update to  
23 a voter registration record that requires a new MAIL OR PROVISIONAL  
24 ballot to be sent to an elector.

25 (b) Commencing on the eleventh day before the election, the  
26 county clerk and recorder shall mail all mail AND PROVISIONAL ballots to  
27 electors by first class mail.

1 (c) Commencing on the eighth day before an election, the county  
2 clerk and recorder shall deliver to the United States postal service any  
3 MAIL OR PROVISIONAL ballot that must be sent by mail within two  
4 business days after receiving a registration application or an update to a  
5 voter registration record that results in the issuance of an original or a  
6 replacement mail OR PROVISIONAL ballot to an elector.

7 **SECTION 13.** In Colorado Revised Statutes, 1-7.5-115, **amend**  
8 (1)(a)(I)(A) as follows:

9 **1-7.5-115. Emergency voting - replacement ballots - electronic**  
10 **transfer - rules - definition.** (1) (a) (I) (A) If an eligible elector WHO  
11 HAS PROVIDED PROOF OF CITIZENSHIP IN ACCORDANCE WITH SECTION  
12 1-2-201 (3)(c), or a member of an eligible elector's immediate family,  
13 related to the second degree by blood, adoption, marriage, or civil union  
14 partnership, is confined in a hospital or place of residence on election day,  
15 or if, due to emergency conditions such as natural disasters arising after  
16 the deadlines by which ballots are mailed, the elector is unable to vote in  
17 person, the elector may request in a personally signed written statement  
18 that the county clerk and recorder or designated election official send a  
19 replacement ballot. The county clerk and recorder or designated election  
20 official shall provide the replacement ballot, at the office of the county  
21 clerk and recorder or designated election official during the office's  
22 regular hours of business, to any authorized representative of the elector.

23 **SECTION 14.** In Colorado Revised Statutes, 1-7.5-204, **add** (4)  
24 as follows:

25 **1-7.5-204. Preparing to count mail ballots - rejections.** (4) IF  
26 THE ELECTOR DID NOT PROVIDE PROOF OF CITIZENSHIP IN ACCORDANCE  
27 WITH SECTION 1-2-201 (3)(c), THE ELECTION JUDGE SHALL SET ASIDE THE

1 BALLOT AND THE BALLOT SHALL NOT BE COUNTED. THE BALLOT SHALL BE  
2 PRESERVED IN THE SAME MANNER AS A REJECTED BALLOT IN ACCORDANCE  
3 WITH SECTION 1-7.5-209.

4 **SECTION 15.** In Colorado Revised Statutes, 1-8.5-101, **amend**  
5 (4) as follows:

6 **1-8.5-101. Provisional ballot - entitlement to vote - definition.**

7 (4) NOTWITHSTANDING THE REQUIREMENT TO PROVIDE PROOF OF  
8 CITIZENSHIP IN ACCORDANCE WITH SECTION 1-2-201 (3)(c), no elector  
9 shall be denied the right to cast a provisional ballot in any election held  
10 pursuant to this ~~title~~ TITLE 1. AN ELECTOR WHO CASTS A PROVISIONAL  
11 BALLOT SHALL HAVE THREE DAYS TO PROVIDE PROOF OF CITIZENSHIP IN  
12 ACCORDANCE WITH SECTION 1-2-201 (3)(c). IF AN ELECTOR TIMELY  
13 PROVIDES PROOF OF CITIZENSHIP AND IS OTHERWISE ELIGIBLE TO VOTE THE  
14 ELECTOR'S BALLOT SHALL BE COUNTED.

15 **SECTION 16.** In Colorado Revised Statutes, 1-8.5-105, **amend**  
16 (3)(a) and (3)(b) as follows:

17 **1-8.5-105. Verification of provisional ballot information -**

18 **counting procedure.** (3) (a) If a provisional ballot affidavit is not signed  
19 OR PROOF OF CITIZENSHIP IS NOT PROVIDED IN ACCORDANCE WITH SECTION  
20 1-2-201 (3)(c), the designated election official shall send a letter to the  
21 elector within three days after the signature OR PROOF OF CITIZENSHIP  
22 deficiency has been confirmed, but in no event later than two days after  
23 the election, informing the elector that the affidavit was not signed OR  
24 THAT PROOF OF CITIZENSHIP WAS NOT PROVIDED and that the provisional  
25 ballot cannot be counted unless the affidavit is signed. The letter shall  
26 state that the elector may come to the office of the county clerk and  
27 recorder to sign the provisional ballot affidavit OR PROVIDE PROOF OF

1 CITIZENSHIP no later than eight days after the election.

2 (b) If the elector does not sign the provisional ballot affidavit OR  
3 PROVIDE PROOF OF CITIZENSHIP after receiving notice pursuant to  
4 ~~paragraph (a) of this subsection (3)~~ SUBSECTION (3)(a) OF THIS SECTION,  
5 the provisional ballot shall not be counted.

6 **SECTION 17.** In Colorado Revised Statutes, **amend** 1-8.5-106  
7 as follows:

8 **1-8.5-106. Counting of provisional ballots.** If the designated  
9 election official verifies that an elector who cast a provisional ballot in  
10 accordance with this ~~article~~ ARTICLE 8.5 is eligible to vote, the provisional  
11 ballot shall be counted. If the elector's registration OR CITIZENSHIP cannot  
12 be verified, the ballot shall not be counted.

13 **SECTION 18.** In Colorado Revised Statutes, **amend** 1-8.5-111  
14 as follows:

15 **1-8.5-111. Information system.** For any election held on or after  
16 January 1, 2004, in which a provisional ballot OR PROVISIONAL MAIL  
17 BALLOT is cast, the county clerk and recorder or designated election  
18 official shall establish a system allowing an elector who cast a provisional  
19 ballot OR A PROVISIONAL MAIL BALLOT to discover whether the ballot was  
20 counted and, if the ballot was not counted, the reason the ballot was not  
21 counted. The system shall provide access to this information at no cost to  
22 the voter by toll-free telephone call, internet website, or other suitable  
23 medium, in accordance with the federal "Help America Vote Act of  
24 2002", Pub.L. 107-252. Information about a provisional ballot OR  
25 PROVISIONAL MAIL BALLOT shall be disclosed only to the voter who cast  
26 the ballot.

27 **SECTION 19.** In Colorado Revised Statutes, **amend** 1-13.5-201

1 as follows:

2 **1-13.5-201. Registration required.** Except where a statute  
3 specifically provides otherwise, no person is permitted to vote at any local  
4 government election without first having registered to vote in Colorado  
5 in accordance with the "Uniform Election Code of 1992", articles 1 to 13  
6 of this ~~title~~ TITLE 1, AND HAVING PROVIDED PROOF OF CITIZENSHIP IN  
7 ACCORDANCE WITH SECTION 1-2-201 (3)(c).

8 **SECTION 20.** In Colorado Revised Statutes, **amend** 1-13.5-202  
9 as follows:

10 **1-13.5-202. Persons entitled to vote at special district elections.**  
11 No person is permitted to vote in any special district election unless that  
12 person is an eligible elector as defined in section 32-1-103 (5) ~~C.R.S.~~ AND  
13 HAS PROVIDED PROOF OF CITIZENSHIP IN ACCORDANCE WITH SECTION  
14 1-2-201 (3)(c).

15 **SECTION 21.** In Colorado Revised Statutes, 1-13.5-1002,  
16 **amend** (2)(a) as follows:

17 **1-13.5-1002. Application for absentee voter's ballot - delivery**  
18 **- list.** (2) (a) Upon timely receipt of an application for an absentee voter's  
19 ballot, the designated election official receiving it shall examine the  
20 records of the county clerk and recorder or county assessor, as  
21 appropriate, to ascertain whether or not the applicant is registered, HAS  
22 PROVIDED PROOF OF CITIZENSHIP IN ACCORDANCE WITH SECTION 1-2-201  
23 (3)(c), and IS lawfully entitled to vote as requested.

24 **SECTION 22.** In Colorado Revised Statutes, 1-13.5-1102,  
25 **amend** (2); and **add** (1.5) as follows:

26 **1-13.5-1102. Definitions.** As used in this part 11, unless the  
27 context otherwise requires:

1 (1.5) "MAIL BALLOT" MEANS A BALLOT SENT TO AN ELECTOR BY  
2 MAIL THAT IS NOT A PROVISIONAL BALLOT.

3 (2) (a) "Mail ballot packet" means the packet of information  
4 provided by the designated election official to eligible electors in the  
5 independent mail ballot election.

6 (b) FOR ELECTORS WHO HAVE PROVIDED PROOF OF CITIZENSHIP IN  
7 ACCORDANCE WITH SECTION 1-2-201 (3)(c), the packet includes the MAIL  
8 ballot, instructions for completing the ballot, a secrecy envelope, and a  
9 return envelope.

10 (c) FOR ELECTORS WHO HAVE NOT PROVIDED PROOF OF  
11 CITIZENSHIP IN ACCORDANCE WITH SECTION 1-2-201 (3)(c), THE PACKET  
12 INCLUDES A PROVISIONAL BALLOT, A PROVISIONAL BALLOT  
13 IDENTIFICATION ENVELOPE, AND INSTRUCTIONS FOR COMPLETING AND  
14 RETURNING THE PROVISIONAL BALLOT AND PROVIDE PROOF OF  
15 CITIZENSHIP.

16 **SECTION 23.** In Colorado Revised Statutes, 1-13.5-1103,  
17 **amend** (4) as follows:

18 **1-13.5-1103. Independent mail ballot elections - optional -**  
19 **cooperation with county clerk and recorder permitted - exception.**

20 (4) Notwithstanding any provision of this ~~article~~ ARTICLE 13.5 to the  
21 contrary, the designated election official of a local government shall mail  
22 a MAIL ballot PACKET to every eligible elector of the local government  
23 who resides within the boundaries of the local government and who is a  
24 covered voter, as that term is defined in section 1-8.3-102, for any  
25 election conducted under this ~~article~~ ARTICLE 13.5.

26 **SECTION 24.** In Colorado Revised Statutes, 1-13.5-1105,  
27 **amend** (2)(c), (3), (4)(b), (4)(d), (5)(a), (6), and (7); and **add** (4)(f), (5.5),



1 and (8) as follows:

2 **1-13.5-1105. Procedures for conducting independent mail**  
3 **ballot election.** (2) (c) All registered electors' names and property  
4 owners lists provided to a designated election official under this section  
5 shall include the last mailing address of each elector AND WHETHER THE  
6 ELECTOR HAS PROVIDED PROOF OF CITIZENSHIP IN ACCORDANCE WITH  
7 SECTION 1-2-201 (3)(c).

8 (3) Subsequent to the preparation of ballots, but prior to the  
9 mailing required under subsection (4) of this section, a designated  
10 election official shall provide a mail ballot PACKET to an eligible elector  
11 requesting the ballot at the office designated in the mail ballot plan.

12 (4) (b) The ballot or ballot label must contain the following  
13 warning:

14 Warning:

15 Any person who, by use of force or other means, unduly  
16 influences an eligible elector to vote in any particular  
17 manner or to refrain from voting, or who falsely makes,  
18 alters, forges, or counterfeits any mail ballot before or after  
19 it has been cast, or who destroys, defaces, mutilates, or  
20 tampers with a ballot is subject, upon conviction, to  
21 imprisonment, or to a fine, or both.

22 (4) (d) Not sooner than twenty-two days prior to election day, and  
23 until 7 p.m. on election day, mail ~~ballots~~ BALLOT PACKETS must be made  
24 available at the office designated in the mail ballot plan for eligible  
25 electors who are not listed or who are listed as "Inactive" on the county  
26 voter registration records or, for special district independent mail ballot  
27 elections, not listed on the property owners list or the registration list but

1 who are authorized to vote pursuant to section 1-13.5-202 or other  
2 applicable law.

3 (f) A MAIL BALLOT PACKET THAT CONTAINS A PROVISIONAL  
4 BALLOT MUST INCLUDE INSTRUCTIONS FOR HOW TO RETURN A  
5 PROVISIONAL BALLOT INCLUDED IN A MAIL BALLOT PACKET IN PERSON TO  
6 THE DESIGNATED ELECTION OFFICIAL AND HOW TO PROVIDE PROOF OF  
7 CITIZENSHIP IN ACCORDANCE WITH 1-2-201 (3)(c).

8 (5) (a) Upon receipt of a MAIL ballot, the eligible elector ~~shall~~  
9 MAY mark the ballot, sign and complete the self-affirmation on the return  
10 envelope, and comply with the instructions provided with the ballot.

11 (5.5) AN ELIGIBLE ELECTOR WHO RECEIVED A MAIL BALLOT  
12 PACKET WITH A PROVISIONAL BALLOT MAY NOT RETURN THE BALLOT BY  
13 MAIL. THE ELECTOR MUST RETURN THE BALLOT IN PERSON TO THE  
14 DESIGNATED ELECTION OFFICIAL AND PROVIDE PROOF OF CITIZENSHIP IN  
15 ACCORDANCE WITH SECTION 1-2-201 (3)(c).

16 (6) Once the ballot is returned, an election judge shall first qualify  
17 the submitted ballot by comparing the information on the return envelope  
18 with the registration records and property owners list, as applicable, to  
19 determine whether the ballot was submitted by an eligible elector who  
20 PROVIDED PROOF OF CITIZENSHIP IN ACCORDANCE WITH SECTION 1-2-201  
21 (3)(c) AND has not previously voted in the election. If the ballot qualifies  
22 and is otherwise valid, the election judge shall indicate in the pollbook  
23 that the eligible elector cast a ballot and deposit the ballot in an official  
24 ballot box.

25 (7) All deposited ballots shall be counted as provided in this part  
26 11. A mail ballot is valid and shall be counted only if it is returned in the  
27 return envelope, the self-affirmation on the return envelope is signed and

1 completed by the eligible elector to whom the ballot was issued, THE MAIL  
2 BALLOT IS NOT A PROVISIONAL BALLOT, and the information on the return  
3 envelope is verified in accordance with subsection (6) of this section.  
4 Mail ballots shall be counted in the same manner as provided by section  
5 1-13.5-609 for counting paper ballots or section 1-13.5-708 or 1-13.5-811  
6 for counting electronic ballots. If the election judge or designated election  
7 official determines that an eligible elector to whom a replacement ballot  
8 has been issued has voted more than once, the first ballot returned by the  
9 elector shall be considered the elector's official ballot. Rejected ballots  
10 shall be handled in the same manner as provided in section 1-13.5-1010.

11 (8) ELECTION JUDGES SHALL REJECT PROVISIONAL BALLOTS THAT  
12 ARE RETURNED BY MAIL. SUCH BALLOTS SHALL NOT BE COUNTED AND  
13 SHALL BE RETAINED IN ACCORDANCE WITH SECTION 1-13.5-616.

14 **SECTION 25.** In Colorado Revised Statutes, **amend**  
15 1-13.5-1105.5 as follows:

16 **1-13.5-1105.5. Voting by electors at group residential facilities.**  
17 For independent mail ballot elections conducted under this part 11, upon  
18 the request of any eligible elector of the local government residing in a  
19 facility described in section 1-7.5-113 (1), the designated election official  
20 shall appoint a committee for delivery of mail ~~ballots~~ BALLOT PACKETS to,  
21 and return of voted mail ballots from, the facility in accordance with  
22 section 1-7.5-113.

23 **SECTION 26. Safety clause.** The general assembly hereby finds,  
24 determines, and declares that this act is necessary for the immediate  
25 preservation of the public peace, health, or safety.