

Colorado Revised Statutes

Permanent Mail-in Ballot Provisions

[Relevant text underlined]

1-2-501. Form for mail and agency registration - procedures for registration by mail for first-time electors - additional identifying information to be provided by first-time registrants.

(1) The secretary of state, in consultation with the federal election assistance commission, shall develop an application form that may be used for mail voter registration, voter registration at voter registration agencies, and voter change of address. The form developed shall:

(a) Require only such identifying information, including the signature of the applicant and other information such as data relating to previous registration by the applicant, as is necessary to enable the appropriate county clerk and recorder to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(b) Include a statement that:

(I) Specifies each eligibility requirement, including citizenship;

(II) Contains an affirmation that the applicant meets each requirement; and

(III) Requires the signature of the applicant, under penalty of perjury;

(b.5) (I) Include:

(A) The question: "Are you a citizen of the United States of America?" and boxes for the applicant to indicate whether the applicant is or is not a citizen of the United States;

(B) The question "Will you be eighteen years of age on or before election day?" and boxes for the applicant to indicate whether or not the applicant will be eighteen years of age or older on election day;

(C) The statement "If you checked 'no' in response to either of these questions, do not complete this form."; and

(D) A statement informing the applicant that, if the form is submitted by mail and the applicant has not previously voted in the county, or in the state if the statewide voter registration system required by section 1-2-301 is operating, the applicant shall submit with the registration form a copy of identification as defined in section 1-1-104 (19.5), the applicant's driver's license number, or the last four digits of the applicant's social security number, otherwise the applicant will be required to submit a copy of identification with the applicant's mail ballot or absentee ballot.

(II) If an applicant for registration fails on the mail registration form to answer the question specified in sub-subparagraph (A) of subparagraph (I) of this paragraph (b.5), the state or local election official shall notify the applicant of the failure and provide the applicant with an opportunity to complete the form in a timely manner to allow for the completion of the registration form prior to the next election for federal office.

(c) Not include any requirement for notarization or other formal authentication; and

(d) Include, in print that is identical to that used in the affirmation portion of the application:

(I) A statement of the penalties provided by law for submission of a false voter registration application;

(II) A statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(III) A statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.

(e) Include the question, "Do you wish to be designated as a permanent mail-in voter?" and boxes for the applicant to indicate whether the applicant does or does not wish such designation. An elector who requests designation as a permanent mail-in voter that meets the requirements of section 1-8-104.5 shall be added to the list of permanent mail-in voters maintained pursuant to section 1-8-108.

(1.5) An elector who submits a voter registration form by mail and has not previously voted in the county, or in the state if the statewide voter registration system required by section 1-2-301 is operating, shall:

(a) Submit with the voter registration form a copy of identification as defined in section 1-1-104 (19.5), the elector's driver's license number, or the last four digits of the elector's social security number; or

(b) Submit a copy of identification as defined in section 1-1-104 (19.5) with the elector's mail ballot in accordance with section 1-7.5-107 (3.5) or with the elector's mail-in ballot in accordance with section 1-8-113 (3).

(2) (a) Subject to the requirements of paragraph (b) of this subsection (2), in addition to the identifying information required to be provided by the elector pursuant to subsection (1) of this section, a person who applies to register by mail in accordance with this part 5 shall submit with the registration application:

(I) In the case of an elector who has been issued a current and valid Colorado driver's license or a current and valid identification card issued by the department of revenue in accordance with part 3 of article 2 of title 42, C.R.S., the number of the elector's Colorado driver's license or identification card; or

(II) In the case of an elector who has not been issued a current and valid Colorado driver's license or a current and valid identification card issued by the department of revenue in accordance with part 3 of article 2 of title 42, C.R.S., the last four digits of the person's social security number.

(a.5) If an applicant has not been issued a current and valid Colorado driver's license, has not been issued a current and valid identification card by the department of revenue in accordance with part 3 of article 2 of title 42, C.R.S., and does not have a social security number, the secretary of state shall assign the applicant a number for voter registration purposes in accordance with section 1-2-204 (2.5).

(b) Notwithstanding any other provision of law, a Colorado driver's license number, the number of an

identification card issued by the department of revenue in accordance with the requirements of part 3 of article 2 of title 42, C.R.S., or the last four digits of the person's social security number shall only be received in satisfaction of the requirements of this subsection (2) where the state or local election official matches the number of the driver's license or identification card or the person's social security number submitted under paragraph (a) of this subsection (2) with an existing state identification record bearing the same number, name, and date of birth as provided in such registration information.

(c) If the elector does not comply with the requirements of this subsection (2), the county clerk and recorder shall not register the elector.

Source: L. 94: Entire part added, p. 1762, § 21, effective January 1, 1995. L. 2003: (1)(b.5) and (2) added, pp. 2076, 2077, §§ 11, 12, effective May 22. L. 2004: IP(1) and (1)(b.5)(I)(D) amended, p. 1053, § 4, effective May 21. L. 2006: (1)(b.5)(I)(D) and (2)(a) amended and (1.5) and (2)(a.5) added, pp. 2029, 2030, §§ 3, 4, 5, effective June 6. L. 2007: (1)(e) added and (1.5)(b) amended, p. 1777, §§ 9, 10, effective June 1; IP(1.5), (2)(a), and (2)(a.5) amended and (2)(c) added, p. 1969, § 6, effective August 3.

1-8-104.5. Application for permanent mail-in voter status.

(1) Any eligible elector may apply for permanent mail-in voter status. The application for permanent mail-in voter status shall be made in writing or by facsimile using an application form furnished by the designated election official or in the form of a letter. The application shall contain the same information submitted in connection with an application for a mail-in ballot pursuant to section 1-8-104.

(2) Upon receipt of an application for permanent mail-in voter status, the designated election official shall process the application in the same manner as an application for a mail-in ballot. If it is determined that the applicant is an eligible elector, the designated election official shall place the eligible elector's name upon the list maintained pursuant to section 1-8-108 of those eligible electors to whom a mail-in ballot is mailed each time there is a coordinated election.

Source: L. 2007: Entire section added, p. 1782, § 23, effective June 1.

1-8-108. List of mail-in ballots.

(1) The designated election official shall keep a list of names and precinct numbers of eligible electors applying for mail-in ballots and permanent mail-in voters placed on the list pursuant to section 1-8-104.5 (2), together with the date on which each application was made, the date on which the mail-in ballot was sent, and the date on which each mail-in ballot was returned. If a mail-in ballot is not returned or if it is rejected and not counted, that fact shall be noted on the list. The list is open to public inspection under proper regulations.

(2) (a) An eligible elector whose name appears on the list as a permanent mail-in voter shall remain on the list and shall be mailed a mail-in ballot for each coordinated election.

(b) An eligible elector shall be deleted from the permanent mail-in voter list if:

(I) The eligible elector notifies the designated election official that he or she no longer wishes to vote by mail-in ballot;

(II) The mail-in ballot sent to the eligible elector is returned to the designated election official as undeliverable; or

(III) The eligible elector has been deemed "Inactive" pursuant to section 1-2-605.

Source: L. 96: Entire article amended with relocations, p. 1752, § 46, effective July 1. L. 97: Entire section amended, p. 187, § 9, effective August 6. L. 2007: Entire section amended, p. 1783, § 27, effective June 1.