

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 24-0329.01 Megan McCall x4215

SENATE BILL 24-072

SENATE SPONSORSHIP

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State, Veterans, & Military Affairs
Appropriations

House Committees

State, Civic, Military, & Veterans Affairs
Appropriations

HOUSE
3rd Reading Unamended
May 3, 2024

A BILL FOR AN ACT

101 **CONCERNING PROVISIONS TO ENSURE THAT CONFINED ELIGIBLE**
102 **ELECTORS AT A COUNTY JAIL OR DETENTION CENTER MAY VOTE,**
103 **AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION**

HOUSE
2nd Reading Unamended
May 2, 2024

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>.)

SENATE
3rd Reading Unamended
April 19, 2024

Under current law, county clerk and recorders must make best efforts to coordinate with the county sheriff or the county sheriff's designee at each county jail or detention center to facilitate voting for all confined eligible electors. The bill requires a county sheriff to designate at least one individual to facilitate voting for confined eligible electors at

SENATE
Amended 2nd Reading
April 18, 2024

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

the county jail or detention center (sheriff's designee) and requires the sheriff's designee to coordinate with the county clerk and recorder.

The sheriff's designee must provide information to confined individuals regarding eligibility to vote, how confined individuals can verify or change their voter registration, and how eligible confined individuals can register to vote and ensure there is reasonable access to resources to verify or change a voter registration or register to vote.

The bill also requires that the county clerk and recorder and the sheriff's designee coordinate to establish a temporary voter service and polling center at the county jail or detention center to allow one day of in-person voting for all confined eligible electors. The temporary voter service and polling center must be open for at least 6 hours. Additionally, the clerk and recorder is required to confirm through the department of corrections online offender database that a confined individual is not serving a felony sentence before the individual can register to vote or is permitted to vote at the temporary voter service and polling center.

Additionally, for mail ballot elections, the sheriff's designee is required to:

- Establish a location at the county jail or detention center for ballots voted by confined eligible electors to be returned;
- Ensure that confined eligible electors have information regarding the methods by which they may return voted ballots, the designated location for voted ballots to be returned, and the latest time on election day that ballots may be deposited at the designated location; and
- Inspect outgoing mail at the county jail or detention center for ballots and ensure that any ballots in outgoing mail are placed instead in the designated location for collection.

By not earlier than 3:00 p.m. on election day, a team of bipartisan election judges acting at the direction of the county clerk and recorder is required to conduct a final collection of ballots from the county jail or detention center that have been deposited at the designated location.

The bill further requires the election plan that is required under current law to include information concerning how the clerk and recorder and the sheriff's designee will facilitate the process for confined eligible electors to cure a deficiency on a voted ballot and requires the sheriff's designee to establish a process for a confined eligible elector to cure a deficiency on their ballot.

The failure of the sheriff or the sheriff's designee to comply with the requirements set forth in the bill constitutes an election offense that is a class 2 misdemeanor.

Finally, the office of the secretary of state is required to create training materials for county clerk and recorders to minimally use in providing training and technical assistance to the sheriff's designee.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-1-107, **add** (8) as
3 follows:

4 **1-1-107. Powers and duties of secretary of state - penalty.**

5 (8) THE OFFICE OF THE SECRETARY OF STATE SHALL CREATE TRAINING
6 MATERIALS FOR COUNTY CLERKS AND RECORDERS TO USE TO PROVIDE
7 TRAINING AND TECHNICAL ASSISTANCE TO THE INDIVIDUAL DESIGNATED
8 BY THE SHERIFF PURSUANT TO SECTION 30-10-529 TO FACILITATE VOTING
9 FOR CONFINED ELIGIBLE ELECTORS AT A COUNTY JAIL OR DETENTION
10 CENTER.

11

12 **SECTION 2.** In Colorado Revised Statutes, 1-5-703, **amend** (2)
13 as follows:

14 **1-5-703. Accessibility of polling locations to persons with**
15 **disabilities.** (2) Emergency polling locations AND IN-PERSON VOTING AT
16 COUNTY JAILS OR DETENTION CENTERS are exempt from compliance with
17 this section.

18 **SECTION 3.** In Colorado Revised Statutes, **amend** 1-7.5-113.5
19 as follows:

20 **1-7.5-113.5. Voting at county jails or detention centers -**

21 **definition.** (1) Each county clerk and recorder shall ~~make efforts to~~
22 coordinate with ~~the county sheriff or the county sheriff's designee~~ THE
23 INDIVIDUAL WHO THE COUNTY SHERIFF HAS DESIGNATED AS THE SHERIFF'S
24 DESIGNEE PURSUANT TO SECTION 30-10-529 at each county jail or
25 detention center to facilitate voting for all confined eligible electors. THE
26 CLERK AND RECORDER SHALL PROVIDE TRAINING AND TECHNICAL

1 ASSISTANCE TO THE SHERIFF'S DESIGNEE AND SHALL, AT A MINIMUM, USE
2 THE MATERIALS CREATED BY THE OFFICE OF THE SECRETARY OF STATE
3 PURSUANT TO SECTION 1-1-107 (8).

4 (2) The election plan required by section 1-7.5-105 must include
5 the following information:

6 (a) How the county clerk and recorder will provide each county
7 jail or detention center with voter information materials consistent with
8 the materials provided to nonconfined eligible electors, including at a
9 minimum a list of acceptable forms of identification under section
10 1-1-104 (19.5) and the information required by sections 1-40-124.5 and
11 1-40-125, AND HOW THE SHERIFF'S DESIGNEE WILL ENSURE REASONABLE
12 ACCESS TO SUCH MATERIALS AND INFORMATION IN ACCORDANCE WITH
13 SECTION 30-10-529 (3);

14 (b) The process by which the county clerk and ~~the sheriff or the~~
15 sheriff's designee will facilitate voter registration, EACH OF THE SERVICES
16 REQUIRED DURING IN-PERSON VOTING SET FORTH IN SUBSECTION (4) OF
17 THIS SECTION, and delivery and retrieval of mail ballots for confined
18 eligible electors;

19 ~~(c) In counties that have issued electronic tablets to or made~~
20 ~~electronic tablets available to confined eligible electors, the process by~~
21 ~~which the county clerk and recorder and the sheriff or the sheriff's~~
22 ~~designee will facilitate voter registration, ballot delivery, and ballot return~~
23 ~~using electronic tablets issued to confined eligible electors. The election~~
24 ~~plan must include the process for how confined eligible electors will be~~
25 ~~provided access to register and vote without charge and in a confidential~~
26 ~~manner; and~~

27 (d) The number of confined eligible voters who registered to vote

1 in the prior year and the number of confined eligible voters who voted in
2 the last November election; AND

3 (e) HOW THE CLERK AND RECORDER AND THE SHERIFF'S DESIGNEE
4 WILL FACILITATE THE PROCESS FOR A CONFINED ELIGIBLE ELECTOR TO
5 CURE A DEFICIENCY ON THEIR BALLOT PURSUANT TO SECTIONS 1-7.5-107
6 (3.5) AND 1-7.5-107.3 (1.5).

7 (3) (a) AFTER BALLOTS HAVE BEEN DELIVERED PURSUANT TO THE
8 PROCESS IDENTIFIED IN SUBSECTION (2)(b) OF THIS SECTION, THE SHERIFF'S
9 DESIGNEE SHALL INSPECT ALL OUTGOING MAIL AT THE COUNTY JAIL OR
10 DETENTION FACILITY FOR BALLOTS AND SHALL ENSURE THAT ANY
11 BALLOTS IN OUTGOING MAIL ARE PLACED INSTEAD IN A DESIGNATED
12 LOCATION FOR COLLECTION.

13 (b) BY NO LATER THAN 9:00 A.M. ON ELECTION DAY, THE SHERIFF'S
14 DESIGNEE SHALL ENSURE THAT CONFINED INDIVIDUALS HAVE
15 INFORMATION REGARDING THE LOCATION WHERE CONFINED ELIGIBLE
16 ELECTORS MUST DEPOSIT THEIR BALLOTS AND THE LATEST TIME ON
17 ELECTION DAY THAT BALLOTS MAY BE DEPOSITED AT THE DESIGNATED
18 LOCATION.

19 (c) (I) BEGINNING NOT EARLIER THAN 3:00 P.M. ON ELECTION DAY,
20 A TEAM OF BIPARTISAN ELECTION JUDGES ACTING AT THE DIRECTION OF
21 THE CLERK AND RECORDER OF THE COUNTY IN WHICH THE JAIL OR
22 DETENTION CENTER IS LOCATED SHALL CONDUCT A FINAL COLLECTION OF
23 BALLOTS THAT HAVE BEEN DEPOSITED AT THE DESIGNATED LOCATION.

24 (II) AS USED IN THIS SUBSECTION (3)(c), "ELECTION JUDGE" HAS
25 THE SAME MEANING AS SET FORTH IN SECTION 1-6-101 (1).

26 (4) (a) (I) FOR A GENERAL ELECTION, THE SHERIFF'S DESIGNEE
27 SHALL COORDINATE WITH THE COUNTY CLERK AND RECORDER TO

1 PROVIDE, AT A MINIMUM, ONE DAY OF IN-PERSON VOTING FOR CONFINED
2 ELIGIBLE ELECTORS AT THE COUNTY JAIL OR DETENTION CENTER. THE
3 IN-PERSON VOTING MUST BE OPEN FOR AT LEAST SIX HOURS AND BE HELD
4 ON ANY DAY BETWEEN THE FIFTEENTH DAY BEFORE ELECTION DAY AND
5 THE FOURTH DAY BEFORE ELECTION DAY.

6 (II) IF ON THE DATE THAT IN-PERSON VOTING IS SCHEDULED FOR,
7 ACCESS TO THE COUNTY JAIL OR DETENTION CENTER IS UNAVAILABLE DUE
8 TO A LOCK DOWN OR OTHER EXIGENT CIRCUMSTANCES, THEN THE
9 SHERIFF'S DESIGNEE SHALL WORK WITH THE COUNTY CLERK AND
10 RECORDER TO SCHEDULE A DIFFERENT DATE FOR IN-PERSON VOTING TO BE
11 HELD IN ACCORDANCE WITH THIS SUBSECTION (4).

12 (b) DURING THE IN-PERSON VOTING, THE COUNTY CLERK AND
13 RECORDER AND THE SHERIFF'S DESIGNEE SHALL PROVIDE:

14 (I) THE ABILITY FOR A CONFINED INDIVIDUAL, IF ELIGIBLE TO VOTE,
15 TO REGISTER TO VOTE OR UPDATE THEIR VOTER REGISTRATION RECORD;

16 (II) THE ABILITY FOR A CONFINED ELIGIBLE ELECTOR TO CAST A
17 BALLOT AND DO SO WITHOUT VIOLATING THE CONFINED ELIGIBLE
18 ELECTOR'S RIGHT TO A SECRET BALLOT;

19 (III) THE ABILITY FOR A CONFINED ELIGIBLE ELECTOR WHO IS
20 DETAINED IN A COUNTY JAIL OR DETENTION CENTER OUTSIDE THE
21 CONFINED ELIGIBLE ELECTOR'S COUNTY OF RESIDENCE TO CAST A BALLOT
22 CONTAINING ONLY STATEWIDE RACES AND MEASURES;

23 (IV) REASONABLE ACCOMMODATION IN ACCORDANCE WITH THE
24 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
25 12101 ET SEQ., AS AMENDED, THAT ALLOW A CONFINED INDIVIDUAL WITH
26 A DISABILITY, IF ELIGIBLE TO VOTE, TO REGISTER TO VOTE AND UPDATE
27 THEIR VOTER REGISTRATION RECORD AND A CONFINED ELIGIBLE ELECTOR

1 WITH A DISABILITY TO CAST A BALLOT;

2 (V) THE ABILITY TO ACCEPT MAIL BALLOTS THAT ARE DEPOSITED
3 BY CONFINED ELIGIBLE ELECTORS;

4 (VI) THE ABILITY FOR A CONFINED ELIGIBLE ELECTOR TO SUBMIT
5 A MAIL BALLOT CURE FORM PURSUANT TO SECTIONS 1-7.5-107 (3.5) AND
6 1-7.5-107.3 (1.5); AND

7 (VII) THE ABILITY OF A CONFINED INDIVIDUAL TO CAST A
8 PROVISIONAL BALLOT.

9 (5) BEFORE REGISTERING A CONFINED INDIVIDUAL TO VOTE,
10 UPDATING A CONFINED INDIVIDUAL'S VOTER REGISTRATION, OR ALLOWING
11 A CONFINED INDIVIDUAL TO VOTE IN ANY ELECTION, THE COUNTY CLERK
12 AND RECORDER MUST ACCESS THE CONFINED INDIVIDUAL'S RECORD
13 WITHIN THE DEPARTMENT OF CORRECTIONS' ONLINE OFFENDER DATABASE
14 TO CONFIRM THAT THE CONFINED INDIVIDUAL IS NOT CURRENTLY SERVING
15 A SENTENCE FOR A FELONY CONVICTION.

16 (6) THE SECRETARY OF STATE SHALL PROMULGATE RULES IN
17 ACCORDANCE WITH ARTICLE 4 OF TITLE 24 AS MAY BE NECESSARY TO
18 ADMINISTER AND ENFORCE THE REQUIREMENTS OF THIS SECTION.

19 **SECTION 4.** In Colorado Revised Statutes, **add** 30-10-529 as
20 follows:

21 **30-10-529. Coordinator for voting at county jails or detention**
22 **centers - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
23 OTHERWISE REQUIRES:

24 (a) "BALLOT INFORMATION BOOKLET" MEANS THE BALLOT
25 INFORMATION BOOKLET PUBLISHED AND DISTRIBUTED PURSUANT TO
26 SECTION 1-40-124.5.

27 (b) "DESIGNEE" MEANS AN INDIVIDUAL DESIGNATED PURSUANT TO

1 SUBSECTION (2) OF THIS SECTION.

2 (2) EACH SHERIFF SHALL DESIGNATE AT LEAST ONE INDIVIDUAL TO
3 FACILITATE VOTING FOR ALL CONFINED ELIGIBLE ELECTORS AT A COUNTY
4 JAIL OR DETENTION CENTER.

5 (3) THE DESIGNEE SHALL:

6 (a) COORDINATE WITH THE COUNTY CLERK AND RECORDER
7 PURSUANT TO SECTION 1-7.5-113.5;

8 (b) ENSURE THAT ALL CONFINED ELIGIBLE ELECTORS HAVE
9 REASONABLE ACCESS TO THE BALLOT INFORMATION BOOKLET, THE
10 INFORMATION REQUIRED BY SECTION 1-40-125, AND ANY
11 ELECTION-RELATED MATERIALS THAT ARE PREPARED AND PROVIDED TO
12 THE DESIGNEE IN SUPPORT OF OR IN OPPOSITION TO ANY CANDIDATE OR
13 ISSUE ON THE BALLOT;

14 (c) ENSURE THAT NOTICE OF THE DATE AND TIME FOR
15 IN-PERSON VOTING AT THE JAIL OR DETENTION CENTER PURSUANT TO
16 SECTION 1-7.5-113.5 (4)(a) IS PROVIDED TO CONFINED INDIVIDUALS,
17 INCLUDING NOTICE THAT, IF ELIGIBLE TO VOTE, CONFINED INDIVIDUALS
18 MAY REGISTER TO VOTE DURING THE IN-PERSON VOTING;

19 (d) PROVIDE TO CONFINED INDIVIDUALS INFORMATION REGARDING
20 ELIGIBILITY TO VOTE, HOW CONFINED INDIVIDUALS CAN VERIFY OR
21 CHANGE THEIR VOTER REGISTRATION, AND HOW CONFINED INDIVIDUALS,
22 IF ELIGIBLE TO VOTE, CAN REGISTER TO VOTE;

23 (e) ENSURE THAT CONFINED INDIVIDUALS WHO WANT TO VERIFY
24 OR CHANGE THEIR VOTER REGISTRATION OR REGISTER TO VOTE HAVE
25 REASONABLE ACCESS TO RESOURCES TO DO SO;

26 (f) ESTABLISH A LOCATION AT THE COUNTY JAIL OR DETENTION
27 CENTER FOR CONFINED ELIGIBLE ELECTORS TO RETURN THEIR BALLOTS

1 FOR COLLECTION BY A TEAM OF BIPARTISAN ELECTION JUDGES ACTING AT
2 THE DIRECTION OF THE CLERK AND RECORDER PURSUANT TO SECTION
3 1-7.5-113.5 (3)(c)(I), AND PROVIDE INFORMATION TO CONFINED
4 INDIVIDUALS CONCERNING THE METHODS BY WHICH BALLOTS CAN BE
5 RETURNED, THE LOCATION IN THE COUNTY JAIL OR DETENTION CENTER
6 WHERE BALLOTS CAN BE RETURNED, AND THE DEADLINES FOR RETURNING
7 BALLOTS; AND

8 (g) ESTABLISH A PROCESS FOR A CONFINED ELIGIBLE ELECTOR TO
9 HAVE THE OPPORTUNITY TO CURE A DEFICIENCY ON THEIR BALLOT
10 PURSUANT TO SECTIONS 1-7.5-107 (3.5) AND 1-7.5-107.3 (1.5).

11 (4) INFORMATION PROVIDED BY THE DESIGNEE AND ACTIONS
12 TAKEN BY THE DESIGNEE PURSUANT TO THIS SECTION MUST BE IN
13 ACCORDANCE WITH ANY APPLICABLE PROVISIONS CONCERNING ELECTIONS
14 SET FORTH IN TITLE 1.

15 (5) ANY FAILURE BY THE SHERIFF OR THE DESIGNEE TO COMPLY
16 WITH THE REQUIREMENTS OF THIS SECTION IS SUBJECT TO ASSESSMENT OF
17 A CIVIL PENALTY TO BE DETERMINED BY THE DISTRICT COURT FOR THE
18 JUDICIAL DISTRICT IN WHICH THE COUNTY JAIL OR DETENTION CENTER IS
19 LOCATED, PAYABLE BY THE COUNTY. THE CIVIL PENALTY IS IN THE
20 AMOUNT OF FIVE THOUSAND DOLLARS PER VIOLATION. THE OFFICE OF
21 COURT EXECUTIVE OF THE JUDICIAL DISTRICT SHALL TRANSMIT FINES
22 COLLECTED PURSUANT TO THIS SUBSECTION (5) TO THE STATE TREASURER,
23 WHO SHALL CREDIT THE SAME TO THE DEPARTMENT OF STATE CASH FUND
24 CREATED IN SECTION 24-21-104 (3)(b).

25 **SECTION 5. Appropriation.** (1) For the 2024-25 state fiscal
26 year, \$167,400 is appropriated to the department of state. This
27 appropriation consists of \$75,240 from the general fund and \$92,160

1 from the department of state cash fund created in section 24-21-104
2 (3)(b), C.R.S. To implement this act, the department may use this
3 appropriation as follows:

4 (a) \$75,240 from the General Fund for use by the elections
5 division for local election reimbursement; and

6 (b) \$92,160 from the department of state cash fund for use by the
7 information technology division for personal services.

8 **SECTION 6. Applicability.** This act applies to elections that are
9 conducted on or after the effective date of this act.

10 **SECTION 7. Safety clause.** The general assembly finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, or safety or for appropriations for
13 the support and maintenance of the departments of the state and state
14 institutions.