



Help Shape Colorado's Election Rules
Topic: proposed temporary election rule
concerning voter registration residency requirements
August 12, 2013

What is this about?

The Secretary of State is considering the temporary adoption of a new election rule to clarify voter registration residency requirements. This past legislative session, the General Assembly enacted House Bill 13-1303, which substantially changed how we administer elections in Colorado. The Bill amended section 1-2-102, C.R.S., regarding voter registration. Before the amendments, when an elector moved from one county or precinct in the state to another with the intention of establishing a new residence, after 30 days the elector lost residence in the former county. House Bill 13-1303, however, removed the 30 day language. The temporary rule outlines factors that the county clerk and recorder must consider in determining an elector's primary residence and clarifies that an elector must have more than a mere intent to move to establish a new residence.

A temporary rule is necessary given that the Governor has set the date for two recall elections: one for senate district 11 in El Paso County and one for Senate District 3 in Pueblo County. The date for both recall elections is September 10, 2013. The governor set this date on July 18, 2013. The proposed temporary rule would provide clear voter registration guidance to county clerks and electors.

Why does the Secretary need my help?

Secretary Gessler is considering whether to adopt temporary New Rule 2.10.4. Please see the attached working draft temporary rule. We are seeking input from county clerks, election activists, stakeholders, and the general public. The Secretary values your feedback and we would very much like to hear your thoughts. We need your help to identify necessary revisions or additional guidance in order to propose a constructive and comprehensive draft rule for consideration during the rulemaking proceedings. Overall, your opinions and recommendations are invited to help shape Colorado's Election Rules.

How do I submit my comments?

You may email your comments to SOS.Rulemaking@sos.state.co.us.

What is the deadline to submit comments?

To ensure consideration of your comments before the Secretary of State adopts the proposed temporary rule, we must receive your comments by the close of business August 14, 2013.

Will the Secretary of State post my comments online?

To promote transparency and to help generate discussion, our office will post a copy of your comments on the Secretary of State's website. We appreciate privacy concerns and will redact personal contact information that may appear in your comments prior to posting (including home address, personal email address, and telephone number). To view the comments that we receive, please visit: www.sos.state.co.us/pubs/rule_making/ruleComments.html

Working Draft of Proposed Rules

Office of the Colorado Secretary of State Election Rules 8 CCR 1505-1

Revised August 12, 2013

SMALL CAPS indicate proposed additions to the current rules.
~~Stricken type~~ indicates proposed deletions from current rules.
(Annotations) may be included.

1 New Rule 2.10.4:

2 2.10.4 AN ELECTOR MUST ESTABLISH A RESIDENCE BEFORE REGISTERING TO VOTE OR
3 CHANGING HIS OR HER RESIDENCE IN ACCORDANCE WITH SECTION 1-2-102, C.R.S.
4 AN ELECTOR'S RESIDENCE IS HIS OR HER PRIMARY HOME TO WHICH HE OR SHE,
5 WHENEVER ABSENT, HAS THE PRESENT INTENT OF RETURNING. AN ELECTOR
6 ESTABLISHES A RESIDENCE EITHER BY MAINTAINING A RESIDENCE AS HIS OR HER
7 PRIMARY HOME OR BY PHYSICALLY MOVING TO A NEW RESIDENCE WITH THE INTENT
8 TO MAINTAIN THAT RESIDENCE AS A PRIMARY HOME. INTENT TO MOVE, IN AND OF
9 ITSELF, DOES NOT ESTABLISH RESIDENCE. AND NEITHER A BUSINESS NOR A
10 TEMPORARY HOTEL ROOM IS A VALID RESIDENCE. UPON ESTABLISHING A NEW
11 RESIDENCE THE ELECTOR MUST UPDATE HIS OR HER VOTER REGISTRATION RECORD
12 WITH THE COUNTY CLERK AND RECORDER OF THE COUNTY TO WHICH THE ELECTOR
13 MOVED.

14 (A) AN ELECTOR AND A COUNTY CLERK AND RECORDER MUST CONSIDER THE
15 FOLLOWING FACTORS IN DETERMINING THE ELECTOR'S PRIMARY
16 RESIDENCE:

- 17 (1) WHICH ADDRESS THE ELECTOR USES FOR INCOME TAX PURPOSES;
18 (2) WHICH ADDRESS THE ELECTOR USES FOR MOTOR VEHICLE
19 REGISTRATION;
20 (3) WHETHER THE ELECTOR IS REGISTERED TO VOTE IN ANOTHER
21 STATE;
22 (4) WHETHER THE ELECTOR SHARES HIS OR HER COLORADO ADDRESS
23 WITH FAMILY MEMBERS;
24 (5) WHETHER THE ELECTOR WORKS IN OR HAS BUSINESS PURSUITS IN
25 COLORADO; AND

- 1 (6) WHETHER THE ELECTOR HAS RESIDENCES IN ANY OTHER STATE.
- 2 (B) APPLYING THE FACTORS CONTAINED IN PARAGRAPH (A) OF THIS RULE, A
3 PERSON IS LIKELY A RESIDENT IF:
- 4 (1) HE OR SHE IS A MILITARY MEMBER OR FAMILY OF A MILITARY
5 MEMBER WHO HAS THE PRESENT INTENT TO MAKE COLORADO HIS
6 OR HER PERMANENT HOME AFTER COMPLETING MILITARY SERVICE;
7 OR
- 8 (2) HE OR SHE IS A STUDENT ATTENDING COLLEGE IN COLORADO BUT
9 HAS THE PRESENT INTENT TO MAKE COLORADO HIS OR HER HOME
10 AFTER COMPLETING SCHOOL.
- 11 (C) APPLYING THE FACTORS CONTAINED IN PARAGRAPH (A) OF THIS RULE, A
12 PERSON IS LIKELY NOT A RESIDENT IF:
- 13 (1) HE OR SHE IS A MILITARY MEMBER OR FAMILY OF A MILITARY
14 MEMBER WHO IS STATIONED IN COLORADO BUT WHO MAINTAINS A
15 PRIMARY RESIDENCE IN ANOTHER STATE; OR
- 16 (2) HE OR SHE IS AN OUT-OF-STATE STUDENT ATTENDING COLLEGE IN
17 COLORADO BUT HAS NO INTENT TO MAKE COLORADO HIS OR HER
18 PERMANENT HOME.