

HB20-1149: The Student Voice Student Vote Act of 2020

Summary of the Major Provisions

Bill Topic: "16-year-olds Voting In School District Elections"

Sponsors: Rep. Serena Gonzales-Gutierrez & Sen. Dominick Moreno

Co-sponsors: Rep. Johnathan Singer & Sen. Julie Gonzales

Last revised March 3, 2020 (latest changes denoted in red)

The bill title and all of the points below are to be considered draft versions and are subject to change pending feedback from state agencies and other stakeholders. That being said, the forthcoming version of the Student Voice, Student Vote Act of 2020 bill is expected to include the following major provisions:

- 1) The bill will make it so that 16- and 17-year-olds who pre-register to vote can also vote in all elections held in accordance with Title 22 of Colorado state statute, including the selection of local and state school board directors, school board recall elections, referred measures to approve mill levies and other financial obligations. This does not include primary elections for state school board.
 - In accordance with existing law, pre-registrants will automatically be registered for all elections when they turn 18.
 - The current process to pre-register to vote *will be the same process* to register to vote in school elections. There will be no difference between registering to vote in school elections at 16 and pre-registering to vote in all other elections.
 - 16- and 17-year old voters will receive ballots that include only Title 22 school election questions they are eligible to vote on and no other questions.
- 2) The bill's changes will become effective as of July 1, 2021.
- 3) 16- and 17-year-olds will be able to vote in elections based on their place of residence, as is the case for all other elections, *not* based on the district in which they attend school.
- 4) 16- and 17-year-olds will *not* be able to run for or hold office as a director of a school board as a result of this bill.
- 5) The bill includes language that deems all 16-year-olds to be "of full age" to legally carry out all duties and rights that are granted to regular electors for the purposes of participating in school-related elections without need of parental permission, including registering to vote, signing their ballots, serving as election judges, carrying and signing petitions for elections under Title 22, and any other purposes related to their participation in school elections. This includes provisions that would allow 16 & 17 year olds to work longer than they are normally allowed for only the 2 weeks before an election and on election night.
- 6) Pre-registration / registration for school boards process:
 - 16- and 17-year-olds will be able register in all the ways an adult can currently register, including online and at the DMV.
 - The bill also adds learner's permits to the list of acceptable forms of ID for the purposes of pre-registering / registering to vote.
 - The bill specifies that elections which pre-registrants do not participate in before turning 18 do not count toward the number of elections regular electors are allowed to miss before their registration status is changed.

- When 16- and 17-year-olds register, they will receive a written notice, created and approved by Secretary of State, providing voter information (including voter rights, how to update registration, get ballots, etc.), and notice of what elections they can vote in.

7) Pre-registrant voter information:

- To ensure continued transparency of CO elections, the bill repeals the requirement that the voter information of pre-registrants be kept confidential, meaning that 16- and 17-year-olds' voter information will automatically become part of the public voter file, like that of all other voters. Pre-registrant voters will be allowed to request that their information be made confidential in accordance with existing statute, and the bill takes steps to prevent any 16- or 17-year-old already protected by Colorado's Address Confidentiality Program from accidentally revealing their address when they pre-register or when this bill takes effect.
- Starting January 1, 2020, the bill requires notice to be given to voters pre-registering that their voter information will no longer be confidential after July 1, 2020. It further directs the Secretary of State and County Clerks to make reasonable efforts to inform people who have already pre-registered that their voter information will no longer be confidential on or after July 1, 2020 and of the process for becoming a confidential voter.

8) The bill ensures that school districts incur no extra costs by specifying that the General Assembly shall allocate moneys from the state's general and/or cash fund starting in 2021 to reimburse counties for direct costs associated with ballots sent to pre-registrants, and that counties shall adjust their cost sharing agreements with school districts in the same amount to reimburse districts for additional costs incurred as a result of this bill's changes.

9) Protecting ballot secrecy:

- The bill protects ballot secrecy for CO voters by adding a clause to existing statute to specify that, in a precinct where there are 10 or fewer pre-registrant ballots cast, the Title 22 election results from that precinct will be reported together with the political subdivision the precinct belongs to instead of by themselves so that low voter turnout in a precinct does not make it possible to determine the way any specific pre-registrant voter voted.
- In precincts where 10 or fewer pre-registrant ballots are cast, the bill protects the ballot secrecy of voters by making the pre-registrant ballots for that precinct exempt from public inspection.
- In the event that one of the ballots chosen at random for inclusion in the "risk limited audit" of the state's election is traceable to a specific voter because it came from a precinct where it is the only ballot of its style that was cast, the bill includes a directs election officials to redact that ballot from the public results and reports of the audit. In this very statistically unlikely circumstance, the voter's constitutional right to ballot secrecy would be protected, and election officials would have to redact one ballot from the audit.

10) The bill includes an addition to existing statute requiring election rules trainings for "deputy high school registrars" – a designated person at a school who can collect and deliver ballots to election officials – to include anti-voter intimidation rules and training on how participants in the CO Address Confidentiality Program can pre-register or register without compromising their confidential status.

11) The bill takes steps to ensure that juveniles charged with election offenses are only charged as juveniles and that adults working with 16- and 17-year-olds to help them register and vote don't face increased penalties for any possible rule violations by virtue of working with a minor.

12) The bill ensures access to pre-registration / school election registration and voting for 16- and 17-year-olds in the criminal justice system.