

1-2-103. Military service - students - inmates - persons with mental illness.

(1) For the purposes of registration, voting, and eligibility for office, no person shall gain residence by reason of that person's presence, or lose it by reason of absence, while in the civil or military service of the state or of the United States; nor while a student at any institution of higher education; nor while confined in a correctional facility, jail, or state institution.

(2) The provisions of subsection (1) of this section notwithstanding, no person otherwise qualified under the provisions of this code shall be denied the right to register or to vote at any election held within this state solely because that person is a student at an institution of higher education.

(3) No provision in this section shall apply in the determination of residence or residence status of students for any college or university purpose.

(4) No person while serving a sentence of detention or confinement in a correctional facility, jail, or other location for a felony conviction or while serving a sentence of parole shall be eligible to register to vote or to vote in any election; however, a confined prisoner who is awaiting trial but has not been tried shall be certified by the institutional administrator and shall be permitted to register to vote by mail registration pursuant to part 5 of this article.

(5) A person confined in a state institution for persons with mental illness shall not lose the right to vote because of the confinement.

Source: L. 92: Entire article R&RE, p. 637, § 2, effective January 1, 1993. L. 95: (4) amended, p. 821, § 6, effective July 1. L. 2005: (4) amended, p. 1395, § 5, effective June 6; (4) amended, p. 1430, § 5, effective June 6. L. 2006: (5) amended, p. 1394, § 29, effective August 7.

Editor's note: This section was contained in an article that was repealed and reenacted in 1980 and 1992. This section, as it existed in 1992, is similar to 1-2-103 as said section existed in 1991, the year prior to the most recent repeal and reenactment of this article. Section 1-2-103, as it existed in 1980, was similar to 1-2-104 as said section existed in 1979, the year prior to the first repeal and reenactment of this article.

Cross references: For when residence does not change because of presence in the state as a student, inmate, or due to civil or military service, see § 4 of art. VII, Colo. Const.; for disfranchisement during imprisonment, see § 10 of art. VII, Colo. Const.