

SB001_L.008

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on State, Veterans, & Military Affairs.

SB25-001 be amended as follows:

1 Amend printed bill, page 6, strike lines 4 through 27.

2 Strike pages 7 through 10.

3 Page 11, strike lines 1 through 8.

4 Renumber succeeding sections accordingly.

5 Page 33, after line 23 insert:

6 **"SECTION 9.** In Colorado Revised Statutes, **add** part 16 to
7 article 10 of title 31 as follows:

8

PART 16

9

MULTILINGUAL BALLOT ACCESS

10 **31-10-1601. Legislative declaration - intent.** (1) THE GENERAL
11 ASSEMBLY FINDS AND DECLARES THAT:

12 (a) CONGRESS ENACTED THE LANGUAGE MINORITY PROVISIONS OF
13 THE FEDERAL "VOTING RIGHTS ACT OF 1965" BECAUSE "THROUGH THE
14 USE OF VARIOUS PRACTICES AND PROCEDURES, CITIZENS OF LANGUAGE
15 MINORITIES HAVE BEEN EFFECTIVELY EXCLUDED FROM PARTICIPATION IN
16 THE ELECTORAL PROCESS...";

17 (b) BASED ON THE 2023 FIVE-YEAR ESTIMATES SPECIFIED IN THE
18 UNITED STATES BUREAU OF THE CENSUS AMERICAN COMMUNITY SURVEY,
19 THERE ARE ONE HUNDRED TWENTY-THREE THOUSAND SIX HUNDRED
20 FIFTY-SEVEN ELIGIBLE ELECTORS IN COLORADO WHO SPEAK ENGLISH
21 "LESS THAN VERY WELL". AS OF THE 2024 GENERAL ELECTION, AN
22 ESTIMATED ONE HUNDRED FIVE THOUSAND FOUR HUNDRED EIGHTY-FOUR
23 OF THOSE ELIGIBLE ELECTORS LIVE WITHIN A COUNTY THAT IS COVERED BY
24 THE MULTILINGUAL BALLOT REQUIREMENTS OF HOUSE BILL 21-1011,
25 ENACTED IN 2021. OUT OF AN ESTIMATED ONE HUNDRED THIRTY-ONE
26 MUNICIPALITIES THAT EXIST WHOLLY OR PARTIALLY IN A COVERED
27 COUNTY, AN ESTIMATED FIFTY-EIGHT MUNICIPALITIES COORDINATE THEIR
28 ELECTIONS WITH THE COUNTY AND ELECTORS RECEIVE MULTILINGUAL
29 BALLOT ACCESS. THE ESTIMATED REMAINING SEVENTY-THREE
30 MUNICIPALITIES HOLD ELECTIONS INDEPENDENTLY AND THE ABILITY FOR
31 ELECTORS TO ACCESS MINORITY LANGUAGE BALLOTS IS CONTINGENT ON
32 THE MUNICIPALITY INDEPENDENTLY OFFERING THESE RESOURCES.

33 (c) BY PASSING HOUSE BILL 21-1011, THE GENERAL ASSEMBLY
34 EXPANDED MINORITY LANGUAGE BALLOT ACCESS BEYOND FEDERAL
35 REQUIREMENTS TO COVER ADDITIONAL COUNTIES AND DECLARED THAT
36 ENSURING COLORADO CITIZENS HAVE ACCESS TO MULTILINGUAL BALLOTS

1 IS A MATTER OF STATEWIDE CONCERN;

2 (d) FOR ELECTORS IN COUNTIES COVERED BY THE REQUIREMENTS
3 OF HOUSE BILL 21-1011, HOWEVER, THE ABILITY TO VOTE WITH A
4 MINORITY LANGUAGE BALLOT IN A MUNICIPAL ELECTION IS CONTINGENT
5 ON WHETHER THE MUNICIPALITY ALIGNS ITS ELECTION WITH A COUNTY,
6 UNLESS THE MUNICIPALITY INDEPENDENTLY OFFERS ACCESS TO A
7 MULTILINGUAL BALLOT, AND ELECTORS SHOULD NOT BE DENIED ACCESS
8 TO A MULTILINGUAL BALLOT THAT THEY WOULD OTHERWISE HAVE ACCESS
9 TO; AND

10 (e) COLORADO AGAIN HAS AN OPPORTUNITY TO MAKE THE BALLOT
11 ACCESSIBLE TO MORE ELIGIBLE ELECTORS AND PROVIDE THEM WITH
12 MEANINGFUL ACCESS BY EXPANDING MINORITY LANGUAGE BALLOT
13 ACCESS BEYOND FEDERAL REQUIREMENTS AND THOSE ENACTED IN HOUSE
14 BILL 21-1011.

15 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT
16 THE INTENT OF THIS PART 16 IS TO:

17 (a) ENSURE MINORITY LANGUAGE BALLOT ACCESS FOR ELECTORS
18 IN MUNICIPALITIES THAT ARE WHOLLY OR PARTIALLY IN COUNTIES
19 COVERED BY THE REQUIREMENTS OF HOUSE BILL 21-1011; AND

20 (b) EXPAND MINORITY LANGUAGE BALLOT ACCESS WITHOUT
21 CHANGING OR REDUCING THE EXISTING RESPONSIBILITIES PURSUANT TO
22 SECTION 203 OF THE "VOTING RIGHTS ACT OF 1965" AND PART 9 OF
23 ARTICLE 5 OF TITLE 1.

24 **31-10-1602. Definitions.** AS USED IN THIS PART 16, UNLESS THE
25 CONTEXT OTHERWISE REQUIRES:

26 (1) "MINORITY LANGUAGE BALLOT" MEANS A BALLOT THAT IS
27 FULLY TRANSLATED INTO A LANGUAGE OTHER THAN ENGLISH. THE
28 CONTENT OF A "MINORITY LANGUAGE BALLOT" MAY BE IN ONLY A
29 LANGUAGE OTHER THAN ENGLISH OR BOTH ENGLISH AND A LANGUAGE
30 OTHER THAN ENGLISH.

31 (2) "MINORITY LANGUAGE SAMPLE BALLOT" MEANS A DOCUMENT
32 THAT IS AVAILABLE TO QUALIFIED ELECTORS TO HELP THEM PREPARE FOR
33 AN ELECTION THAT CONTAINS ALL CANDIDATES, QUESTIONS, AND
34 INSTRUCTIONS FOR VOTING, AND IS FULLY TRANSLATED INTO A LANGUAGE
35 OTHER THAN ENGLISH.

36 (3) "QUALIFIED TRANSLATOR" MEANS A TRANSLATOR WHO IS
37 DETERMINED BY THE SECRETARY OF STATE TO:

38 (a) BE SCREENED AND TESTED FOR PROFICIENCY IN BOTH WRITTEN
39 ENGLISH AND THE TARGET LANGUAGE WITH AFFILIATION OR
40 ACCREDITATION BY A NATIONALLY RECOGNIZED ASSOCIATION OF
41 TRANSLATORS OR HAVE OTHER CREDENTIALS OR CERTIFICATIONS THAT
42 ARE COMPARABLE TO OR EXCEED THE STANDARDS USED BY A NATIONALLY
43 RECOGNIZED ASSOCIATION OF TRANSLATORS; AND

44 (b) PRODUCE TRANSLATIONS THAT ARE LINGUISTICALLY
45 ACCURATE, CULTURALLY APPROPRIATE, AND TECHNICALLY CONSISTENT

1 WITH THE ORIGINAL DOCUMENTS.

2 **31-10-1603. Multilingual ballot access - general provisions -**
3 **requirements of secretary of state - clerks.** A CLERK IS REQUIRED TO
4 PROVIDE MULTILINGUAL BALLOT ACCESS BY CREATING A MINORITY
5 LANGUAGE SAMPLE BALLOT PURSUANT TO SECTION 31-10-1604 AND
6 PROVIDING AN IN-PERSON MINORITY LANGUAGE BALLOT PURSUANT TO
7 SECTION 31-10-1605 IF THE MUNICIPALITY EXISTS PARTIALLY OR WHOLLY
8 WITHIN A COUNTY COVERED BY THE MULTILINGUAL BALLOT
9 REQUIREMENTS OF SECTION 1-5-905 (1).

10 **31-10-1604. Minority language sample ballots - clerks - mail**
11 **ballot elections.** (1) THE CLERK OF ANY MUNICIPALITY THAT SATISFIES
12 THE CRITERIA SPECIFIED IN SECTION 31-10-1603 SHALL CREATE A
13 MINORITY LANGUAGE SAMPLE BALLOT IN ANY MINORITY LANGUAGE FOR
14 WHICH A MINORITY LANGUAGE SAMPLE BALLOT IS REQUIRED PURSUANT
15 TO SECTION 1-5-906 FOR THE COUNTY IN WHICH THE MUNICIPALITY
16 PARTIALLY OR WHOLLY EXISTS.

17 (2) THE MINORITY LANGUAGE SAMPLE BALLOT MUST INCLUDE ALL
18 OF THE SAME CONTENT THAT IS ON THE ENGLISH LANGUAGE BALLOT.

19 (3) A CLERK WHO IS REQUIRED TO CREATE A MINORITY LANGUAGE
20 SAMPLE BALLOT IN ONE OR MORE MINORITY LANGUAGES PURSUANT TO
21 THIS SECTION SHALL PROVIDE THE MINORITY LANGUAGE SAMPLE BALLOT
22 FOR ANY MUNICIPAL ELECTION HELD ON OR AFTER JANUARY 1, 2027.

23 (4) THE CLERK SHALL MAKE THE MINORITY LANGUAGE SAMPLE
24 BALLOT AVAILABLE AND ACCESSIBLE TO ELECTORS ON THE
25 MUNICIPALITY'S WEBSITE AND AT POLLING PLACES MUNICIPALITY-WIDE,
26 IF USED. FOR AN ELECTION USING MAIL BALLOTS, THE CLERK SHALL
27 NOTIFY ALL ACTIVE ELIGIBLE ELECTORS IN THE MUNICIPALITY VIA THE
28 MAIL BALLOT PACKET AND IN EACH LANGUAGE IN WHICH A MINORITY
29 LANGUAGE SAMPLE BALLOT WILL BE CREATED THAT A MINORITY
30 LANGUAGE SAMPLE BALLOT IS AVAILABLE.

31 (5) THE CLERK SHALL ENSURE THAT THE TRANSLATION PROVIDED
32 FOR THE MINORITY LANGUAGE SAMPLE BALLOT IS PERFORMED BY ONE OR
33 MORE QUALIFIED TRANSLATORS.

34 **31-10-1605. In-person minority language ballot - clerks -**
35 **polling places.** (1) THE CLERK OF ANY MUNICIPALITY THAT SATISFIES THE
36 CRITERIA SPECIFIED IN SECTION 31-10-1603 SHALL ENSURE THAT AT LEAST
37 ONE PUBLICLY ACCESSIBLE LOCATION IN THE MUNICIPALITY IS EQUIPPED
38 TO PROVIDE, UPON THE REQUEST OF A QUALIFIED ELECTOR, AN IN-PERSON
39 MINORITY LANGUAGE BALLOT IN ANY MINORITY LANGUAGE FOR WHICH A
40 MINORITY LANGUAGE BALLOT IS REQUIRED PURSUANT TO SECTION 1-5-906
41 FOR THE COUNTY IN WHICH THE MUNICIPALITY PARTIALLY OR WHOLLY
42 EXISTS. IF THE MUNICIPALITY ESTABLISHES A POLLING PLACE FOR AN
43 ELECTION, THE CLERK SHALL ENSURE THAT THE POLLING PLACE IS
44 EQUIPPED TO PROVIDE, UPON THE REQUEST OF A VOTER, AN IN-PERSON
45 MINORITY LANGUAGE BALLOT.

1 (2) AN IN-PERSON MINORITY LANGUAGE BALLOT OPTION MUST BE
2 A BALLOT ON DEMAND, A BALLOT FROM A PRINTED STOCK OF BALLOTS, OR
3 A BALLOT VIA A VOTING DEVICE AND MUST INCLUDE ALL OF THE SAME
4 CONTENT THAT IS ON THE ENGLISH LANGUAGE BALLOT.

5 (3) A CLERK WHO IS REQUIRED TO PROVIDE AN IN-PERSON
6 MINORITY LANGUAGE BALLOT OPTION IN ONE OR MORE MINORITY
7 LANGUAGES PURSUANT TO THIS SECTION SHALL PROVIDE AN IN-PERSON
8 MINORITY LANGUAGE BALLOT OPTION FOR ANY MUNICIPAL ELECTION HELD
9 ON OR AFTER JANUARY 1, 2027.

10 (4) FOR AN ELECTION USING MAIL BALLOTS, THE CLERK SHALL
11 NOTIFY ALL ACTIVE ELIGIBLE ELECTORS IN THE MUNICIPALITY VIA THE
12 MAIL BALLOT PACKET AND IN EACH LANGUAGE IN WHICH THE IN-PERSON
13 MINORITY LANGUAGE BALLOT OPTION WILL BE AVAILABLE THAT ELECTORS
14 MAY REQUEST AN IN-PERSON MINORITY LANGUAGE BALLOT AND WHERE
15 THE ELECTOR MAY REQUEST THE IN-PERSON MINORITY LANGUAGE BALLOT.

16 **31-10-1606. Coordination with counties.** MUNICIPALITIES MAY
17 COORDINATE ELECTIONS WITH COUNTIES TO LESSEN THE COSTS INCURRED
18 IN COMPLYING WITH THE MULTILINGUAL BALLOT REQUIREMENTS OF THIS
19 PART 16 AND PART 9 OF ARTICLE 5 OF TITLE 1."

20 Renumber succeeding section accordingly.

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