

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0621.01 Rebecca Bayetti x4348

HOUSE BILL 26-1023

HOUSE SPONSORSHIP

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Baisley, Zamora Wilson

House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CLARIFICATION OF A POLITICAL PARTY'S LIABILITY FOR**
102 **CERTAIN ACCESSIBILITY REQUIREMENTS RELATING TO BALLOT**
103 **ACCESS FOR PERSONS WITH DISABILITIES.**

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>.)

Under current law, the general assembly, the secretary of state, and each political party must ensure that it remains an option for a candidate in the state to access the ballot through the caucus process or any future alternative process that is accessible to persons with disabilities. A political party must also ensure that any person, upon request, is able to

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.*

participate in a precinct caucus or a party assembly with the use of a video conferencing platform or alternative means of participation. The failure of any political party to make a reasonable effort to comply with these accessibility requirements constitutes discrimination on the basis of disability in a place of public accommodation.

The bill clarifies that these duties are duties of the state political party and that a person who is subjected to a violation of a state political party's duties regarding these accessibility requirements may file suit against the state political party. An individual, including a member of or volunteer for a political party, or a local political party may not be held liable for a violation of the state political party's duties regarding these accessibility requirements.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-1-116, **amend (2)**
3 and (3) as follows:

4 **1-1-116. Access to precinct caucus - party assembly.**

5 [REDACTED]
6 (2) (a) Notwithstanding any provision to the contrary, within six
7 months of August 7, 2024, any person WHO IS ELIGIBLE TO PARTICIPATE
8 IN ACCORDANCE WITH THE PROVISIONS OF SECTION 1-3-101, upon request,
9 must be able to participate in a precinct caucus or a party assembly with
10 the use of a video conferencing platform ~~The political party holding the~~
11 ~~caucus or assembly must allow participation with the use of a video~~
12 ~~conferencing platform~~ without requiring or requesting an explanation of
13 the need for the use of the video conferencing platform. It is in a [REDACTED]
14 political party's discretion to determine which video conferencing
15 platform will be used for precinct caucuses and party assemblies so long
16 as the platform is accessible to persons with disabilities. Each [REDACTED] political
17 party shall establish policies regarding the procedure and timeline for a
18 person to request to participate in a precinct caucus or a party assembly
19 with the use of a video conferencing platform.

1 (b) The requirements of subsection (2)(a) of this section do not
2 apply when a precinct caucus or party assembly occurs in a geographic
3 location that is in an unserved area of the state, as defined in section
4 40-15-102 (32); EXCEPT THAT ANY PERSON WHO IS ELIGIBLE TO
5 PARTICIPATE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 1-3-101,
6 UPON REQUEST, MUST BE ABLE TO PARTICIPATE IN SUCH PRECINCT CAUCUS
7 OR PARTY ASSEMBLY WITH THE USE OF AN ALTERNATIVE TO A VIDEO
8 CONFERENCING PLATFORM, SUCH AS A TELEPHONE CONFERENCE CALL.
9 THE ALTERNATIVE MEANS OF PARTICIPATION USED IN ACCORDANCE WITH
10 THIS SUBSECTION (2)(b) MUST BE ACCESSIBLE TO PERSONS WITH
11 DISABILITIES.

12 (c) ~~A political party holding a precinct caucus or party assembly~~
13 ~~that is exempt pursuant to subsection (2)(b) of this section from the~~
14 ~~requirements of subsection (2)(a) of this section must allow participation~~
15 ~~with the use of an alternative to a video conferencing platform, such as~~
16 ~~a telephone conference call. The alternative means of participation used~~
17 ~~by a political party in accordance with this subsection (2)(c) must be~~
18 ~~accessible to persons with disabilities.~~

19 (d) A [REDACTED] political party may require that a person request to
20 participate in a precinct caucus or a party assembly with the use of a video
21 conferencing platform, or an alternative to a video conferencing platform
22 as provided in ~~subsection (2)(c)~~ SUBSECTION (2)(b) of this section, not
23 more than thirty days in advance of the precinct caucus or party assembly.

24 (3) The failure of any [REDACTED] political party to make a reasonable
25 effort to comply with the requirements of this section constitutes
26 discrimination on the basis of disability in violation of ~~section 24-34-602~~
27 SECTION 24-34-601. Any person who is subjected to a violation of this

1 section is entitled to seek all relief provided in ~~section 24-34-602~~ SECTION
2 24-34-602 (1.5) ONLY AGAINST THE CENTRAL COMMITTEE OF THE
3 POLITICAL PARTY HOLDING THE CAUCUS OR ASSEMBLY. AN INDIVIDUAL,
4 INCLUDING A MEMBER OF THE CENTRAL COMMITTEE OF THE POLITICAL
5 PARTY OR A VOLUNTEER FOR THE POLITICAL PARTY, MAY NOT BE HELD
6 LIABLE FOR A VIOLATION OF THIS SECTION.

7 **SECTION 2.** In Colorado Revised Statutes, 24-34-602, **add** (1.5)
8 as follows:

9 **24-34-602. Penalty and civil liability.**

10 (1.5) (a) A PERSON AGGRIEVED BY A VIOLATION OF SECTION
11 1-1-116 MAY BRING AN ACTION IN ANY COURT OF COMPETENT
12 JURISDICTION. UPON FINDING A VIOLATION OF SECTION 1-1-116, THE
13 PLAINTIFF IS ENTITLED TO A COURT ORDER REQUIRING COMPLIANCE WITH
14 THE PROVISIONS OF THE APPLICABLE SECTION AND EITHER:

15 (I) THE RECOVERY OF ACTUAL MONETARY DAMAGES; OR

16 (II) A STATUTORY FINE OF THREE THOUSAND FIVE HUNDRED
17 DOLLARS, PAYABLE TO EACH PLAINTIFF FOR EACH VIOLATION.

18 (b) FOR A CLAIM BROUGHT FOR A VIOLATION OF SECTION 1-1-116,
19 EACH CAUCUS OR ASSEMBLY IS CONSIDERED A SINGLE INCIDENT AND NOT
20 AS SEPARATE VIOLATIONS.

21 **SECTION 3. Safety clause.** The general assembly finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, or safety or for appropriations for
24 the support and maintenance of the departments of the state and state
25 institutions.