

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 20-0035.01 Nicole Myers x4326

HOUSE BILL 20-1081

HOUSE SPONSORSHIP

Caraveo,

SENATE SPONSORSHIP

Gonzales,

House Committees

State, Veterans, & Military Affairs
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE EXPANSION OF MULTILINGUAL BALLOT ACCESS FOR**
102 **ELECTORS IN THE STATE, AND, IN CONNECTION THEREWITH,**
103 **MAKING AN APPROPRIATION.**

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>.)

The bill requires the secretary of state (secretary) and county clerk and recorders (county clerk) of certain counties to provide multilingual ballot access.

The secretary is required to establish a multilingual ballot hotline (hotline) to provide access to qualified translators in each of the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
Amended 2nd Reading
February 27, 2020

languages in which the most recent decennial census was offered, to assist electors in translating ballot language. The secretary is required to establish the hotline for use during the general election held in November 2020, and for every general election and statewide odd-year election thereafter. The secretary is also required to:

- ! Provide notice of the hotline to electors through election day;
- ! Ensure that the translators who provide translations for the multilingual hotline are qualified translators; and
- ! Promulgate rules as may be necessary to create and administer the hotline.

The county clerk of any county that satisfies specified criteria is required to create, in coordination with the secretary, a minority language sample ballot (sample ballot) in any minority language spoken in the county that satisfies the following:

- ! The minority language is spoken by at least 2,000 citizens in the county age 18 years or older who speak English less than very well and who speak the minority language at home; or
- ! The minority language is spoken by at least 2.5% of citizens in the county age 18 years or older who speak English less than very well and who speak the minority language at home.

The bill specifies the information that the county clerk is required to include on the sample ballot as well as the format of the sample ballot. In addition, the bill requires that the sample ballots be available for the general election held in November 2020, and for each general election and statewide odd-year election thereafter.

The county clerk of any county that satisfies specified criteria is required to provide, upon the request of an elector, an in-person minority language ballot (in-person ballot) in any minority language spoken in the county that satisfies the same criteria specified for sample ballots. An in-person ballot can be a ballot on demand, a ballot from a printed stock of ballots, or a ballot via an electronic voting device.

The bill specifies the information that the county clerk is required to include on the in-person ballot and specifies that in-person ballots are required to be available for the general election held in November 2022, and for each general election and statewide odd-year election thereafter.

The secretary is required to determine, pursuant to specified criteria, which counties in the state are required to provide multilingual ballot access by creating a sample ballot and providing an in-person ballot, and to notify the county clerk of any county that is required to provide such multilingual ballot access.

The secretary is required to provide each county clerk that is required to provide multilingual ballot access with a translation in the

1 ELIGIBLE VOTERS LIVE IN COUNTIES WHERE BALLOTS AND OTHER ELECTION
2 MATERIALS ARE NOT AVAILABLE IN LANGUAGES OTHER THAN ENGLISH;

3 (d) FURTHER COMPOUNDING THE PROBLEM OF BALLOT ACCESS FOR
4 MINORITY LANGUAGE SPEAKERS IS THE READING LEVEL AT WHICH
5 COLORADO'S BALLOTS ARE WRITTEN. FOR MANY MINORITY LANGUAGE
6 SPEAKERS THE BALLOT IS SIMPLY INCOMPREHENSIBLE EVEN IF THEY SPEAK
7 AND READ SOME ENGLISH.

8 (e) SECTION 203 OF THE "VOTING RIGHTS ACT" COVERS A
9 JURISDICTION WHEN THE NUMBER OF UNITED STATES CITIZENS OF VOTING
10 AGE IN THAT JURISDICTION HAS A SINGLE LANGUAGE GROUP THAT:

11 (I) IS MORE THAN TEN THOUSAND PEOPLE OF VOTING AGE, IS MORE
12 THAN FIVE PERCENT OF ALL VOTING-AGE CITIZENS, OR IS ON AN AMERICAN
13 INDIAN RESERVATION AND EXCEEDS FIVE PERCENT OF ALL RESERVATION
14 RESIDENTS; AND

15 (II) THE ILLITERACY RATE OF THE GROUP IS HIGHER THAN THE
16 NATIONAL ILLITERACY RATE;

17 (f) COLORADO DOES NOT CURRENTLY EXPAND MINORITY
18 LANGUAGE BALLOT ACCESS BEYOND FEDERAL REQUIREMENTS; AND

19 (g) COLORADO HAS AN OPPORTUNITY TO MAKE THE BALLOT
20 ACCESSIBLE TO MORE ELIGIBLE VOTERS AND PROVIDE THEM WITH
21 MEANINGFUL ACCESS TO A BALLOT THAT THEY ARE ABLE TO READ,
22 UNDERSTAND, AND VOTE.

23 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT
24 THE INTENT OF THIS PART 9 IS TO:

25 (a) PROVIDE BALLOT ACCESS TO VOTERS THROUGHOUT THE STATE
26 WHILE BALANCING THE REALITY OF LIMITED STATE AND COUNTY
27 RESOURCES; AND

1 (b) EXPAND MINORITY LANGUAGE BALLOT ACCESS WITHOUT
2 CHANGING OR REDUCING THE STATE'S EXISTING RESPONSIBILITIES
3 PURSUANT TO SECTION 203 OF THE "VOTING RIGHTS ACT".


4 **1-5-903. Definitions.** AS USED IN THIS PART 9, UNLESS THE
5 CONTEXT OTHERWISE REQUIRES:

6 (1) "COUNTY CLERK" MEANS THE COUNTY CLERK AND RECORDER
7 OF ANY COUNTY IN THE STATE.

8 (2) "MINORITY LANGUAGE BALLOT" MEANS A BALLOT THAT IS
9 FULLY TRANSLATED INTO A LANGUAGE OTHER THAN ENGLISH. THE
10 CONTENT OF A "MINORITY LANGUAGE BALLOT" MAY BE IN ONLY A
11 LANGUAGE OTHER THAN ENGLISH OR MAY BE IN BOTH ENGLISH AND A
12 LANGUAGE OTHER THAN ENGLISH.

13 (3) "MINORITY LANGUAGE SAMPLE BALLOT" MEANS A DOCUMENT
14 THAT IS AVAILABLE TO ELIGIBLE VOTERS TO HELP THEM PREPARE FOR AN
15 ELECTION THAT CONTAINS ALL CANDIDATES, QUESTIONS, AND
16 INSTRUCTIONS FOR VOTING, AND IS FULLY TRANSLATED INTO A LANGUAGE
17 OTHER THAN ENGLISH.

18 (4) "QUALIFIED TRANSLATOR OR INTERPRETER" MEANS A
19 TRANSLATOR OR INTERPRETER WHO IS DETERMINED BY THE SECRETARY OF
20 STATE TO BE:

21 
22 (a) SCREENED AND TESTED FOR PROFICIENCY IN BOTH WRITTEN
23 ENGLISH AND THE TARGET LANGUAGE WITH AFFILIATION OR
24 ACCREDITATION BY A NATIONALLY RECOGNIZED ASSOCIATION OF
25 TRANSLATORS OR HAVE OTHER CREDENTIALS OR CERTIFICATIONS THAT
26 ARE COMPARABLE TO OR EXCEED THE STANDARDS USED BY A NATIONALLY
27 RECOGNIZED ASSOCIATION OF TRANSLATORS; AND

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(b) LINGUISTICALLY ACCURATE, CULTURALLY APPROPRIATE, AND
TECHNICALLY CONSISTENT WITH THE ORIGINAL DOCUMENTS.

1-5-904. Multilingual ballot hotline - creation - secretary of state - rules. (1) THE SECRETARY OF STATE SHALL ESTABLISH A MULTILINGUAL BALLOT HOTLINE TO PROVIDE ACCESS TO QUALIFIED TRANSLATORS IN EACH OF THE LANGUAGES IN WHICH THE MOST RECENT DECENNIAL CENSUS WAS OFFERED, TO ASSIST ELECTORS IN TRANSLATING BALLOT LANGUAGE. THE MULTILINGUAL BALLOT HOTLINE SHALL BE ESTABLISHED FOR USE DURING THE GENERAL ELECTION HELD IN NOVEMBER 2022, AND FOR EVERY GENERAL ELECTION AND STATEWIDE ODD-YEAR ELECTION THEREAFTER.

(2) THE SECRETARY OF STATE SHALL PROVIDE NOTICE ON THE SECRETARY'S WEBSITE AND SHALL CREATE SIGNS TO BE POSTED BY COUNTY CLERKS AT ALL VOTER SERVICE AND POLLING CENTERS TO INFORM ELECTORS THAT THE MULTILINGUAL BALLOT HOTLINE IS ACCESSIBLE TO ELECTORS STATEWIDE FROM THE FIRST DAY THAT DOMESTIC BALLOTS FOR STATEWIDE GENERAL AND COORDINATED ELECTIONS ARE MAILED TO ELECTORS THROUGH ELECTION DAY. THE MULTILINGUAL BALLOT HOTLINE MUST BE ACCESSIBLE BETWEEN SEVEN IN THE MORNING AND SEVEN IN THE EVENING BEGINNING THE FIRST DAY THAT DOMESTIC BALLOTS FOR STATEWIDE GENERAL AND COORDINATED ELECTIONS ARE MAILED TO ELECTORS THROUGH ELECTION DAY.

(3) THE SECRETARY OF STATE SHALL ENSURE THAT THE TRANSLATORS WHO PROVIDE TRANSLATIONS FOR THE MULTILINGUAL BALLOT HOTLINE ARE QUALIFIED TRANSLATORS IN THE LANGUAGE OR LANGUAGES IN WHICH THEY PROVIDE BALLOT TRANSLATION ASSISTANCE.

1 THE QUALIFIED TRANSLATORS SHALL PROVIDE ASSISTANCE WITH
2 TRANSLATION OF BALLOT LANGUAGE ONLY AND SHALL NOT PROVIDE
3 EXPLANATIONS OF OR ARGUMENTS FOR OR AGAINST ANY CANDIDATE OR
4 QUESTION INCLUDED ON THE BALLOT.

5 (4) THE SECRETARY OF STATE SHALL PROMULGATE RULES IN
6 ACCORDANCE WITH ARTICLE 4 OF TITLE 24 AS MAY BE NECESSARY TO
7 CREATE AND ADMINISTER THE MULTILINGUAL BALLOT HOTLINE,
8 INCLUDING RULES REGARDING HIRING OR CONTRACTING FOR QUALIFIED
9 TRANSLATORS TO STAFF THE MULTILINGUAL BALLOT HOTLINE. THE
10 SECRETARY OF STATE MAY INCLUDE RULES FOR SHARING QUALIFIED
11 TRANSLATOR RESOURCES WITH OTHER STATE AGENCIES.

12 **1-5-905. Multilingual ballot access - general provisions -**
13 **requirements of secretary of state - county clerks.** (1) A COUNTY
14 CLERK IS REQUIRED TO PROVIDE MULTILINGUAL BALLOT ACCESS BY
15 CREATING A MINORITY LANGUAGE SAMPLE BALLOT PURSUANT TO SECTION
16 1-5-906 AND PROVIDING AN IN-PERSON MINORITY LANGUAGE BALLOT
17 PURSUANT TO SECTION 1-5-907 IF:

18 (a) THE COUNTY HAS AT LEAST TWO THOUSAND CITIZENS AGE
19 EIGHTEEN YEARS OR OLDER WHO SPEAK ENGLISH LESS THAN VERY WELL,
20 AS DEFINED BY THE UNITED STATES BUREAU OF THE CENSUS AMERICAN
21 COMMUNITY SURVEY OR COMPARABLE CENSUS DATA, AND WHO SPEAK A
22 SHARED MINORITY LANGUAGE AT HOME; OR

23 (b) AT LEAST TWO AND ONE-HALF PERCENT OF CITIZENS IN THE
24 COUNTY AGE EIGHTEEN YEARS OR OLDER SPEAK ENGLISH LESS THAN VERY
25 WELL, AS DEFINED BY THE UNITED STATES BUREAU OF THE CENSUS
26 AMERICAN COMMUNITY SURVEY OR COMPARABLE CENSUS DATA, AND
27 WHO SPEAK A SHARED MINORITY LANGUAGE AT HOME.

1 (2) THE SECRETARY OF STATE SHALL DETERMINE WHICH COUNTIES
2 IN THE STATE ARE REQUIRED TO PROVIDE MULTILINGUAL BALLOT ACCESS
3 AND, THEREFORE, ARE REQUIRED TO CREATE A MINORITY LANGUAGE
4 SAMPLE BALLOT PURSUANT TO SECTION 1-5-906 AND PROVIDE AN
5 IN-PERSON MINORITY LANGUAGE BALLOT PURSUANT TO SECTION 1-5-907.
6 THE SECRETARY OF STATE SHALL MAKE SUCH DETERMINATION BASED ON
7 INFORMATION PROVIDED IN THE MOST RECENT FIVE-YEAR ESTIMATES
8 SPECIFIED IN THE UNITED STATES BUREAU OF THE CENSUS AMERICAN
9 COMMUNITY SURVEY OR COMPARABLE CENSUS DATA. THE SECRETARY OF
10 STATE SHALL NOTIFY THE COUNTY CLERK OF ANY COUNTY THAT IS
11 REQUIRED TO PROVIDE A MINORITY LANGUAGE SAMPLE BALLOT PURSUANT
12 TO SECTION 1-5-906 AND PROVIDE AN IN-PERSON MINORITY LANGUAGE
13 BALLOT PURSUANT TO SECTION 1-5-907 ON OR BEFORE JULY 1, 2020, AND
14 ON OR BEFORE JANUARY 5 OF EACH EVEN YEAR THEREAFTER.

15 (3) THE SECRETARY OF STATE SHALL PROVIDE EACH COUNTY
16 CLERK THAT IS SUBJECT TO THIS PART 9 WITH A TRANSLATION IN THE
17 APPLICABLE LANGUAGE OF ALL CONTENT THAT IS CERTIFIED TO THE
18 COUNTY CLERKS BY THE SECRETARY OF STATE. THE COUNTY CLERK OF
19 EACH COUNTY SHALL USE THE TRANSLATION PROVIDED BY THE
20 SECRETARY OF STATE IN CREATING THE MINORITY LANGUAGE SAMPLE
21 BALLOT AND IN PROVIDING THE IN-PERSON MINORITY LANGUAGE BALLOT
22 FOR HIS OR HER COUNTY.

23 **1-5-906. Minority language sample ballots - county clerk.**

24 (1) THE COUNTY CLERK OF ANY COUNTY THAT SATISFIES THE CRITERIA
25 SPECIFIED IN SECTION 1-5-905 (1) SHALL, IN COORDINATION WITH THE
26 SECRETARY OF STATE, CREATE A MINORITY LANGUAGE SAMPLE BALLOT IN
27 ANY MINORITY LANGUAGE SPOKEN IN THE COUNTY.

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

3 (3) A COUNTY CLERK THAT IS REQUIRED TO CREATE A MINORITY
4 LANGUAGE SAMPLE BALLOT IN ONE OR MORE MINORITY LANGUAGES
5 PURSUANT TO THIS SECTION SHALL PROVIDE SUCH MINORITY LANGUAGE
6 SAMPLE BALLOTS FOR THE GENERAL ELECTION HELD IN NOVEMBER 2020,
7 AND FOR EACH GENERAL ELECTION AND STATEWIDE ODD-YEAR ELECTION
8 THEREAFTER.

9 (4) THE MINORITY LANGUAGE SAMPLE BALLOT MUST INCLUDE THE
10 INSTRUCTIONS FOR EVERY BALLOT STYLE IN THE COUNTY. THE COUNTY
11 CLERK IS NOT REQUIRED TO CREATE A SAMPLE BALLOT FOR EVERY BALLOT
12 STYLE IN THE COUNTY BUT MAY INSTEAD CREATE ONE MASTER DOCUMENT
13 CONTAINING ALL THE CANDIDATES, QUESTIONS, AND INSTRUCTIONS
14 INCLUDED ON EVERY BALLOT STYLE IN THE COUNTY. INSTEAD OF
15 CREATING ONE MASTER DOCUMENT, THE COUNTY CLERK MAY CHOOSE TO
16 CREATE A MINORITY LANGUAGE SAMPLE BALLOT FOR EACH BALLOT STYLE
17 IN THE COUNTY.

18 (5) THE COUNTY CLERK SHALL MAKE THE MINORITY LANGUAGE
19 SAMPLE BALLOT AVAILABLE AND ACCESSIBLE TO ELECTORS IN THE
20 COUNTY ON THE WEBSITE OF THE COUNTY CLERK AND AT VOTER SERVICE
21 AND POLLING CENTERS COUNTY-WIDE. THE COUNTY CLERK SHALL NOTIFY
22 ALL ELECTORS IN THE COUNTY VIA THE MAIL BALLOT PACKET AND IN EACH
23 LANGUAGE IN WHICH A MINORITY LANGUAGE SAMPLE BALLOT WILL BE
24 CREATED THAT A MINORITY LANGUAGE SAMPLE BALLOT IS AVAILABLE.

25 (6) A COUNTY CLERK SHALL ENSURE THAT THE TRANSLATION
26 PROVIDED FOR THE MINORITY LANGUAGE SAMPLE BALLOT IS PERFORMED
27 BY ONE OR MORE QUALIFIED TRANSLATORS.

1 **1-5-907. In-person minority language ballot - county clerk -**

2 **voter service and polling centers.** (1) THE COUNTY CLERK OF ANY
3 COUNTY THAT SATISFIES THE CRITERIA SPECIFIED IN SECTION 1-5-905 (1)
4 SHALL ENSURE THAT EVERY VOTER SERVICE AND POLLING CENTER IN THE
5 COUNTY IS EQUIPPED TO PROVIDE, UPON THE REQUEST OF AN ELECTOR, AN
6 IN-PERSON MINORITY LANGUAGE BALLOT IN ANY MINORITY LANGUAGE
7 SPOKEN IN THE COUNTY THAT SATISFIES THE FOLLOWING:

8 (a) THE MINORITY LANGUAGE IS SPOKEN BY AT LEAST TWO
9 THOUSAND CITIZENS IN THE COUNTY AGE EIGHTEEN YEARS OR OLDER WHO
10 SPEAK ENGLISH LESS THAN VERY WELL, AS DEFINED BY THE UNITED
11 STATES BUREAU OF THE CENSUS AMERICAN COMMUNITY SURVEY OR
12 COMPARABLE CENSUS DATA, AND WHO SPEAK THE MINORITY LANGUAGE
13 AT HOME; OR

14 (b) THE MINORITY LANGUAGE IS SPOKEN BY AT LEAST TWO AND
15 ONE-HALF PERCENT OF CITIZENS IN THE COUNTY AGE EIGHTEEN YEARS OR
16 OLDER WHO SPEAK ENGLISH LESS THAN VERY WELL, AS DEFINED BY THE
17 UNITED STATES BUREAU OF THE CENSUS AMERICAN COMMUNITY SURVEY
18 OR COMPARABLE CENSUS DATA, AND WHO SPEAK THE MINORITY
19 LANGUAGE AT HOME.

20 (2) AN IN-PERSON MINORITY LANGUAGE BALLOT OPTION SHALL
21 BE EITHER A BALLOT ON DEMAND, A BALLOT FROM A PRINTED STOCK OF
22 BALLOTS, OR A BALLOT VIA AN ELECTRONIC VOTING DEVICE AND SHALL
23 INCLUDE ALL OF THE SAME CONTENT THAT IS ON THE ENGLISH LANGUAGE
24 BALLOT.

25 (3) A COUNTY CLERK THAT IS REQUIRED TO PROVIDE AN
26 IN-PERSON MINORITY LANGUAGE BALLOT OPTION IN ONE OR MORE
27 MINORITY LANGUAGES PURSUANT TO THIS SECTION SHALL PROVIDE

1 IN-PERSON MINORITY LANGUAGE BALLOT OPTIONS FOR THE GENERAL
2 ELECTION HELD IN NOVEMBER 2022, AND FOR EACH GENERAL ELECTION
3 AND STATEWIDE ODD-YEAR ELECTION THEREAFTER.

4 (4) THE COUNTY CLERK SHALL NOTIFY ALL ELECTORS VIA THE
5 MAIL BALLOT PACKET AND IN EACH LANGUAGE IN WHICH THE IN-PERSON
6 MINORITY LANGUAGE BALLOT OPTION WILL BE AVAILABLE THAT
7 ELECTORS MAY REQUEST AN IN-PERSON MINORITY LANGUAGE BALLOT IN
8 THE APPLICABLE LANGUAGE AT ANY VOTER SERVICE AND POLLING
9 CENTER IN THE COUNTY.

10 **SECTION 2. Appropriation.** (1) For the 2020-21 state fiscal
11 year, \$72,112 is appropriated to the department of state. This
12 appropriation is from the department of state cash fund created in section
13 24-21-104 (3)(b), C.R.S. To implement this act, the department may use
14 this appropriation as follows:

15 (a) \$71,680 for use by the information technology division for
16 personal services; and

17 (b) \$432 for use by the elections division for operating expenses.

18 **SECTION 3. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, or safety.

21