

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

**REENGROSSED**

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

LLS NO. 20-0035.01 Nicole Myers x4326

**HOUSE BILL 20-1081**

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**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.**

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**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  
3rd Reading Unamended  
March 2, 2020

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

applicable minority language or languages of all federal and statewide candidates for election, all statewide ballot questions, and all statewide questions regarding the retention of judges for use by the county clerk.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 9 to article  
3 5 of title 1 as follows:

4 **PART 9**

5 **MULTILINGUAL BALLOT ACCESS**

6 **1-5-901. Short title.** THE SHORT TITLE OF THIS ACT IS THE  
7 "BALLOT ACCESS FOR ALL CITIZENS ACT".

8 **1-5-902. Legislative declaration.** (1) THE GENERAL ASSEMBLY  
9 HEREBY FINDS AND DECLARES THAT:

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

15 (b) TODAY, THE FORMULA IN SECTION 203 OF THE "VOTING RIGHTS  
16 ACT" REQUIRES ONLY THE COLORADO COUNTIES OF CONEJOS, COSTILLA,  
17 DENVER, AND SAGUACHE TO PROVIDE ELECTION MATERIALS IN BOTH  
18 ENGLISH AND SPANISH AND REQUIRES ONE OTHER COLORADO COUNTY TO  
19 PROVIDE INFORMATION IN UTE;

20 (c) BASED ON THE 2017 FIVE-YEAR ESTIMATES SPECIFIED IN THE  
21 UNITED STATES BUREAU OF THE CENSUS AMERICAN COMMUNITY SURVEY,  
22 THERE ARE ONE HUNDRED THREE THOUSAND ONE HUNDRED FORTY-SIX  
23 ELIGIBLE VOTERS IN COLORADO WHO SPEAK ENGLISH "LESS THAN VERY  
24 WELL". AN ESTIMATED EIGHTY-TWO THOUSAND NINETY-SIX OF THOSE

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