

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0865.01 Jason Gelender x4330

SENATE BILL 22-152

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SENATE SPONSORSHIP

Fenberg and Jaquez Lewis,

HOUSE SPONSORSHIP

(None),

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Senate Committees

State, Veterans, & Military Affairs

House Committees

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A BILL FOR AN ACT

101 CONCERNING AUTHORIZATION FOR A PERSON WHOSE RESIDENCE IS  
102 DESTROYED OR BECOMES UNINHABITABLE TO CONTINUE TO USE  
103 THE ADDRESS OF THE RESIDENCE AS THE PERSON'S RESIDENCE  
104 FOR PURPOSES OF VOTING IF THE PERSON INTENDS TO RETURN  
105 TO THE RESIDENCE ONCE IT IS REPLACED OR BECOMES  
106 HABITABLE.

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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 allows a person whose residence has been destroyed or

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.

rendered uninhabitable by a natural disaster or by other means to maintain residency for purposes of voting at the address of the destroyed residence if the person intends to return to the residence once it is replaced or becomes habitable. In such a case, the person's residence given for motor vehicle registration and for state income tax purposes is not required to be the same as the person's residence for voting purposes.

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

2           **SECTION 1.** In Colorado Revised Statutes, 1-2-102, **amend**  
3 (1)(a)(I) and (1)(c); and **add** (1)(a)(I.5) as follows:

4           **1-2-102. Rules for determining residence.** (1) The following  
5 rules shall be used to determine the residence of a person intending to  
6 register or to vote in any precinct in this state and shall be used by  
7 election judges in challenge procedures:

8           (a) (I) The residence of a person is the principal or primary home  
9 or place of abode of a person. A principal or primary home or place of  
10 abode is that home or place in which a person's habitation is fixed and to  
11 which that person, whenever absent, has the present intention of returning  
12 after a departure or absence, regardless of the duration of the absence.  
13 EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, a residence is a  
14 permanent building or part of a building and may include a house,  
15 condominium, apartment, room in a house, or mobile home. No vacant lot  
16 or business address shall be considered a residence.

17           (I.5) IF THE RESIDENCE OF AN ELECTOR IS DESTROYED OR BECOMES  
18 UNINHABITABLE, DUE TO A NATURAL DISASTER OR FOR ANY OTHER  
19 REASON, AND THE ELECTOR HAS THE PRESENT INTENTION OF RETURNING  
20 TO THE RESIDENCE ONCE IT IS HABITABLE OR RETURNING TO A NEWLY  
21 CONSTRUCTED RESIDENCE AT THE SAME ADDRESS, THE ELECTOR MAY  
22 CONTINUE TO USE THE ADDRESS OF THE DESTROYED OR UNINHABITABLE

1 RESIDENCE AS THE ELECTOR'S RESIDENCE.

2 (c) The residence given for voting purposes shall be the same as  
3 the residence given for motor vehicle registration and for state income tax  
4 purposes; EXCEPT THAT THIS SUBSECTION (1)(c) DOES NOT APPLY TO AN  
5 ELECTOR USING THE ADDRESS OF A DESTROYED OR UNINHABITABLE  
6 RESIDENCE AS THE ELECTOR'S RESIDENCE PURSUANT TO SUBSECTION  
7 (1)(a)(I.5) OF THIS SECTION.

8 **SECTION 2.** In Colorado Revised Statutes, 1-2-204, **amend**  
9 (2)(b) as follows:

10 **1-2-204. Questions answered by elector - rules.** (2) In addition,  
11 each elector shall correctly answer the following:

12 (b) The elector's place of residence, including municipal address  
13 with street number or, if there is no street number, by legal description of  
14 the land upon which the residence sits, including lot, block, addition,  
15 division, or subdivision, as applicable. In all other cases, the residence  
16 shall be described by the section or subdivision in the township and range  
17 as established and numbered by the United States government survey. If  
18 the place of residence is an apartment house, rooming house, dormitory,  
19 hotel, or motel, the number of the floor and the number of the apartment  
20 or room shall also be given. EXCEPT AS ALLOWED BY SECTION 1-2-102  
21 (1)(a), no vacant lot or business address shall be considered a residence.  
22 A post office box number shall not be used as a place of residence for the  
23 purposes of this subsection (2).

24 **SECTION 3.** In Colorado Revised Statutes, 31-10-201, **add** (3)(f)  
25 as follows:

26 **31-10-201. Qualifications of municipal electors.** (3) The judges  
27 of election, in determining the residence of a person offering to vote, shall

1 be governed by the following rules, so far as they may be applicable:

2 (f) IF THE RESIDENCE OF A PERSON IS DESTROYED OR BECOMES  
3 UNINHABITABLE, DUE TO A NATURAL DISASTER OR FOR ANY OTHER  
4 REASON, AND THE PERSON HAS THE PRESENT INTENTION OF RETURNING TO  
5 THE RESIDENCE ONCE IT IS HABITABLE OR RETURNING TO A NEWLY  
6 CONSTRUCTED RESIDENCE AT THE SAME ADDRESS, THE PERSON MAY  
7 CONTINUE TO USE THE ADDRESS OF THE DESTROYED OR UNINHABITABLE  
8 RESIDENCE AS THE PERSON'S RESIDENCE FOR PURPOSES OF THIS SECTION.  
9 THE RESIDENCE GIVEN FOR MOTOR VEHICLE REGISTRATION AND FOR STATE  
10 INCOME TAX PURPOSES MAY BE DIFFERENT FROM THE ADDRESS GIVEN FOR  
11 VOTING PURPOSES PURSUANT TO THIS SUBSECTION (3)(f).

12 **SECTION 4. Safety clause.** The general assembly hereby finds,  
13 determines, and declares that this act is necessary for the immediate  
14 preservation of the public peace, health, or safety.