

## CHAPTER 100

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**ELECTIONS**


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**SENATE BILL 22-152**

BY SENATOR(S) Fenberg and Jaquez Lewis, Bridges, Buckner, Coleman, Cooke, Donovan, Fields, Ginal, Gonzales, Hansen, Hisey, Holbert, Kirkmeyer, Kolker, Lee, Liston, Lundeen, Moreno, Pettersen, Priola, Rankin, Rodriguez, Simpson, Smallwood, Story, Winter, Woodward, Zenzinger;  
 also REPRESENTATIVE(S) Gray and Bernett, Amabile, Bacon, Bird, Boesenecker, Daugherty, Duran, Esgar, Exum, Froelich, Jodeh, Kennedy, Kipp, Lindsay, Lontine, McCluskie, McLachlan, Michaelson Jenet, Mullica, Pico, Ricks, Roberts, Snyder, Sullivan, Tipper, Titone, Valdez D., Weissman, Woodrow, Young.

**AN ACT**

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

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

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

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

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

(I.5) IF THE RESIDENCE OF AN ELECTOR IS DESTROYED OR BECOMES UNINHABITABLE, DUE TO A NATURAL DISASTER OR FOR ANY OTHER REASON, AND

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

THE ELECTOR HAS THE PRESENT INTENTION OF RETURNING TO THE RESIDENCE ONCE IT IS HABITABLE OR RETURNING TO A NEWLY CONSTRUCTED RESIDENCE AT THE SAME ADDRESS, THE ELECTOR MAY CONTINUE TO USE THE ADDRESS OF THE DESTROYED OR UNINHABITABLE RESIDENCE AS THE ELECTOR'S RESIDENCE.

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

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

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

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

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

**31-10-201. Qualifications of municipal electors.** (3) The judges of election, in determining the residence of a person offering to vote, shall be governed by the following rules, so far as they may be applicable:

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

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

Approved: April 13, 2022