

CHAPTER 51

ELECTIONS

HOUSE BILL 24-1067

BY REPRESENTATIVE(S) Ortiz, Amabile, Bacon, Bird, Boesenecker, Brown, Clifford, Daugherty, DeGraaf, deGruy Kennedy, Duran, English, Epps, Froelich, Garcia, Hamrick, Hernandez, Herod, Jodeh, Joseph, Kipp, Lieder, Lindsay, Lindstedt, Mabrey, Marshall, Martinez, Marvin, Mauro, McCormick, McLachlan, Ricks, Rutinel, Sirota, Snyder, Story, Titone, Valdez, Velasco, Weissman, Woodrow, Young, McCluskie, Vigil, Willford;
also SENATOR(S) Winter F. and Liston, Buckner, Coleman, Cutter, Danielson, Exum, Gonzales, Hansen, Kolker, Marchman, Michaelson Jenet, Priola, Roberts, Sullivan.

AN ACT**CONCERNING BALLOT ACCESS FOR CANDIDATES WITH DISABILITIES.**

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) The rights of all persons to access and participate in all levels of government is critical to the functions of democracy;

(b) Despite the passage of the "Americans with Disabilities Act of 1990", which provided for the beginnings of basic access for persons with disabilities, many persons with disabilities are still denied access to and participation in government at all levels;

(c) Persons with disabilities have remained unable to participate fully and equally in meetings, such as caucuses held in inaccessible locations, committee meetings that do not provide for remote testimony, and live events in many locations in the state capitol building and other government buildings that predate the "Americans with Disabilities Act of 1990"; and

(d) It is the public policy of the state to promote equitable access to and participation in government for persons with disabilities at all levels and all stages of the governmental process.

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.

SECTION 2. In Colorado Revised Statutes, **add** 1-1-116 as follows:

1-1-116. Access to precinct caucus - party assembly. (1) THE GENERAL ASSEMBLY, THE SECRETARY OF STATE, AND EACH POLITICAL PARTY SHALL ENSURE THAT THE CAUCUS PROCESS OR ANY FUTURE ALTERNATIVE PROCESS BY WHICH CANDIDATES MAY ACCESS THE BALLOT THAT IS ACCESSIBLE TO PERSONS WITH DISABILITIES REMAINS AN OPTION IN THE STATE.

(2) (a) NOTWITHSTANDING ANY PROVISION TO THE CONTRARY, WITHIN SIX MONTHS OF THE EFFECTIVE DATE OF THIS SECTION, ANY PERSON, UPON REQUEST, MUST BE ABLE TO PARTICIPATE IN A PRECINCT CAUCUS OR A PARTY ASSEMBLY WITH THE USE OF A VIDEO CONFERENCING PLATFORM. THE POLITICAL PARTY HOLDING THE CAUCUS OR ASSEMBLY MUST ALLOW PARTICIPATION WITH THE USE OF A VIDEO CONFERENCING PLATFORM WITHOUT REQUIRING OR REQUESTING AN EXPLANATION OF THE NEED FOR THE USE OF THE VIDEO CONFERENCING PLATFORM. IT IS IN A POLITICAL PARTY'S DISCRETION TO DETERMINE WHICH VIDEO CONFERENCING PLATFORM WILL BE USED FOR PRECINCT CAUCUSES AND PARTY ASSEMBLIES SO LONG AS THE PLATFORM IS ACCESSIBLE TO PERSONS WITH DISABILITIES. EACH POLITICAL PARTY SHALL ESTABLISH POLICIES REGARDING THE PROCEDURE AND TIMELINE FOR A PERSON TO REQUEST TO PARTICIPATE IN A PRECINCT CAUCUS OR A PARTY ASSEMBLY WITH THE USE OF A VIDEO CONFERENCING PLATFORM.

(b) THE REQUIREMENTS OF SUBSECTION (2)(a) OF THIS SECTION DO NOT APPLY WHEN A PRECINCT CAUCUS OR PARTY ASSEMBLY OCCURS IN A GEOGRAPHIC LOCATION THAT IS IN AN UNSERVED AREA OF THE STATE, AS DEFINED IN SECTION 40-15-102 (32).

(c) A POLITICAL PARTY HOLDING A PRECINCT CAUCUS OR PARTY ASSEMBLY THAT IS EXEMPT PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION FROM THE REQUIREMENTS OF SUBSECTION (2)(a) OF THIS SECTION MUST ALLOW PARTICIPATION WITH THE USE OF AN ALTERNATIVE TO A VIDEO CONFERENCING PLATFORM, SUCH AS A TELEPHONE CONFERENCE CALL. THE ALTERNATIVE MEANS OF PARTICIPATION USED BY A POLITICAL PARTY IN ACCORDANCE WITH THIS SUBSECTION (2)(c) MUST BE ACCESSIBLE TO PERSONS WITH DISABILITIES.

(d) A POLITICAL PARTY MAY REQUIRE THAT A PERSON REQUEST TO PARTICIPATE IN A PRECINCT CAUCUS OR A PARTY ASSEMBLY WITH THE USE OF A VIDEO CONFERENCING PLATFORM, OR AN ALTERNATIVE TO A VIDEO CONFERENCING PLATFORM AS PROVIDED IN SUBSECTION (2)(c), NOT MORE THAN THIRTY DAYS IN ADVANCE OF THE PRECINCT CAUCUS OR PARTY ASSEMBLY.

(3) THE FAILURE OF ANY POLITICAL PARTY TO MAKE A REASONABLE EFFORT TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION CONSTITUTES DISCRIMINATION ON THE BASIS OF DISABILITY IN VIOLATION OF SECTION 24-34-802. ANY PERSON WHO IS SUBJECTED TO A VIOLATION OF THIS SECTION IS ENTITLED TO SEEK ALL RELIEF PROVIDED IN SECTION 24-34-802.

(4) ANY ACTION TAKEN PURSUANT TO THIS SECTION DOES NOT LIMIT OR PRECLUDE A PERSON FROM SECURING OR RECOVERING ANY OTHER AVAILABLE REMEDY INCLUDING ANY REMEDY PROVIDED BY THE FEDERAL "AMERICANS WITH

DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AS AMENDED, AND THE COLORADO ANTI-DISCRIMINATION ACT, PARTS 3 THROUGH 8 OF ARTICLE 34 OF TITLE 24.

SECTION 3. In Colorado Revised Statutes, 1-4-801, **amend** (5)(a) as follows:

1-4-801. Designation of party candidates by petition. (5) (a) Party petitions shall not be circulated nor any signatures be obtained prior to the ~~third Tuesday in January~~ FIRST BUSINESS DAY IN JANUARY. Petitions must be filed no later than the close of business on the third Tuesday in March, OR ON THE SEVENTY-FIFTH DAY AFTER THE FIRST BUSINESS DAY IN JANUARY, WHICHEVER IS LATER.

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 4, 2024