

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

REENGROSSED

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

LLS NO. 25-0079.01 Rebecca Bayetti x4348

SENATE BILL 25-001

SENATE SPONSORSHIP

Gonzales J., Kolker, Michaelson Jenet, Roberts, Amabile, Ball, Bridges, Coleman, Cutter, Danielson, Daugherty, Exum, Kipp, Rodriguez, Snyder, Sullivan, Wallace, Weissman, Winter F.

HOUSE SPONSORSHIP

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Senate Committees

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A BILL FOR AN ACT

101 **CONCERNING THE ADMINISTRATION OF ELECTIONS, AND, IN**
102 **CONNECTION THEREWITH, CREATING THE COLORADO VOTING**
103 **RIGHTS ACT AND 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 creates the Colorado Voting Rights Act (act) and modifies certain election-related statutes in 4 areas:

- Election and voting statutes related to Indian tribes;
- Voting-related services for individuals with disabilities;
- Election-related language access; and

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

SENATE
3rd Reading Unamended
March 31, 2025

SENATE
Amended 2nd Reading
March 28, 2025

- Election-related data collection.

Creation of the act. The bill creates the act, which prohibits political subdivisions from:

- Taking any action that results in or is intended to result in a material disparity between electors who are members of a protected race, color, or language minority group or other minority reporting group (protected class members) and other eligible electors in regard to voter participation, access to voting opportunities, or the opportunity or ability to participate in the political process (voter suppression);
- Enacting or employing any method of election that has the effect of, or is motivated in part by the intention of, disparately impairing the opportunity or ability of protected class members to participate in the political process, elect the candidates of their choice, or otherwise influence the outcome of elections (voter dilution); or
- Implementing, imposing, or enforcing a voting qualification or another prerequisite to voting based on an individual's actual or perceived gender identity, gender expression, or sexual orientation.

An aggrieved individual or organization may file a civil suit alleging voter suppression, voter dilution, or an unlawful voting prerequisite based on gender identity, gender expression, or sexual orientation. The attorney general may investigate potential violations of the act and may file suit to enforce the act or may intervene in an aggrieved individual's or organization's civil suit.

Election and voting statutes related to Indian tribes. The bill clarifies provisions related to voter registration and election access for Indian tribes, including valid identification for registration purposes and the requirements for voter service and polling centers and ballot drop-off locations on Indian reservations.

Voting-related services for individuals with disabilities. The bill imposes a requirement on covered entities, defined as entities that provide state-funded services primarily to individuals with disabilities, to publicly display notices related to voting in advance of statewide general and primary elections.

Election-related language access. The bill expands existing requirements for the creation of multilingual ballots from only applying to qualifying counties to also applying to qualifying municipalities, based on the population or percentage of the voting-age population within the relevant jurisdiction who are minority language speakers and speak English less than very well.

Election-related data collection. The bill creates the statewide election database and information office (office) in the department of state. The office collects and maintains data related to elections, including

demographics, election results, and voting information, which the office is required to make publicly available. After each election, political subdivisions are required to submit election-related information to the office. The office also provides assistance to political subdivisions, researchers, and members of the public related to the data it maintains, in addition to providing data to the attorney general for purposes of investigating potential violations of the act.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-1-104, **amend**
3 (19.5)(a)(XIII) as follows:

4 **1-1-104. Definitions.** As used in this code, unless the context
5 otherwise requires:

6 (19.5) (a) "Identification" means:

7 (XIII) A valid identification card THAT IS issued by a federally
8 recognized tribal government, THE BUREAU OF INDIAN AFFAIRS, THE
9 INDIAN HEALTH SERVICE, OR ANY OTHER TRIBAL OR FEDERAL AGENCY
10 ISSUING IDENTIFICATION certifying tribal membership AND THAT
11 INCLUDES AN ADDRESS IN THE STATE, REGARDLESS OF WHETHER THE
12 IDENTIFICATION CARD CONTAINS A PHOTOGRAPH; or

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15 **SECTION 2.** In Colorado Revised Statutes, **add 1-1-117 as**
16 **follows:**

17 **1-1-117. Voter access to primary elections and methods of**
18 **selecting candidates for the general election.** THE GENERAL ASSEMBLY,
19 THE SECRETARY OF STATE, AND EACH POLITICAL PARTY SHALL ENSURE
20 THAT PRIMARY ELECTIONS OR ANY FUTURE ALTERNATIVE PROCESS BY
21 WHICH ELECTORS MAY SELECT CANDIDATES FOR THE GENERAL ELECTION
22 INCLUDES A PROCESS FOR ELIGIBLE ELECTORS TO VOTE THAT DOES NOT

1 REQUIRE THE ELECTOR TO CAST THEIR VOTE IN PERSON AND BY WHICH
2 ELIGIBLE ELECTORS NOT ABLE TO ATTEND IN PERSON CAN PARTICIPATE TO
3 THE SAME EXTENT AS THOSE VOTING IN PERSON.

4 **SECTION 3.** In Colorado Revised Statutes, 1-5-702, **add** (2.7)
5 as follows:

6 **1-5-702. Definitions.** As used in this part 7, unless the context
7 otherwise requires:

8 (2.7) "COVERED FACILITY" MEANS:

9 (a) AN ADULT DAY CARE FACILITY, AS DEFINED IN SECTION
10 25.5-6-303 (1);

11 (b) AN ALTERNATIVE CARE FACILITY, AS DEFINED IN SECTION
12 25.5-6-303 (3);

13 (c) AN ASSISTED LIVING RESIDENCE, AS DEFINED IN SECTION
14 25-27-102 (1.3);

15 (d) A COMMUNITY RESIDENTIAL HOME, AS DEFINED IN SECTION
16 25.5-10-202 (5);

17 (e) AN INTERMEDIATE NURSING FACILITY FOR PERSONS WITH
18 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, AS DEFINED IN
19 SECTION 25.5-4-103 (9);

20 (f) A NURSING FACILITY, AS DEFINED IN SECTION 25.5-4-103 (14);

21 OR

22 (g) A STATE-RUN PSYCHIATRIC HOSPITAL OR MENTAL HEALTH
23 INSTITUTE OPERATED BY THE DEPARTMENT OF HUMAN SERVICES CREATED
24 IN SECTION 26-1-105.

25 **SECTION 4.** In Colorado Revised Statutes, **add** 1-5-707 as
26 follows:

27 **1-5-707. Voting notice required - covered entities.** (1) A

1 COVERED ENTITY SHALL PUBLICLY DISPLAY AT LEAST ONE NOTICE IN EACH
2 BUILDING THAT IT OCCUPIES AND IN WHICH IT SERVES CLIENTS.

3 (2) THE NOTICE REQUIRED BY SUBSECTION (1) OF THIS SECTION
4 MUST:

5 (a) INCLUDE INFORMATION ON VOTER REGISTRATION, VOTING
6 RIGHTS, AND VOTING-RELATED ACCESSIBILITY ACCOMMODATIONS;

7 (b) INCLUDE CONTACT INFORMATION FOR THE SECRETARY OF
8 STATE ACCESSIBILITY COORDINATOR;

9 (c) INCLUDE CONTACT INFORMATION FOR REQUESTING EFFECTIVE
10 COMMUNICATION ACCOMMODATIONS CONSISTENT WITH TITLE II OF THE
11 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
12 12101 ET SEQ.;

13 (d) STATE THAT INFORMATION CONCERNING DROP BOXES AND
14 VOTER SERVICE AND POLLING CENTERS CAN BE FOUND ON COUNTY
15 ELECTION WEBSITES;

16 (e) BE WRITTEN IN PLAIN LANGUAGE; AND

17 (f) BE AVAILABLE IN ALTERNATE ACCESSIBLE FORMATS.

18 (3) A COVERED ENTITY SHALL PUBLICLY DISPLAY THE NOTICE
19 REQUIRED BY SUBSECTION (1) OF THIS SECTION DURING THE THIRTY DAYS
20 PRECEDING A GENERAL OR COORDINATED ELECTION.

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23 **SECTION 5.** In Colorado Revised Statutes, **add** article 47 to title
24 1 as follows:

25 **ARTICLE 47**
26 **Colorado Voting Rights Act**
27 **PART 1**

1 VOTING RIGHTS

2 **1-47-101. Short title.** THIS ARTICLE 47 IS KNOWN AND MAY BE
3 CITED AS THE "COLORADO VOTING RIGHTS ACT".

4 **1-47-102. Legislative declaration.** (1) THE GENERAL ASSEMBLY
5 FINDS AND DECLARES THAT:

6 (a) ELECTORAL SYSTEMS OR PRACTICES THAT DENY TO RACE,
7 COLOR, OR LANGUAGE MINORITY GROUPS AN EQUAL OPPORTUNITY TO
8 ELECT CANDIDATES OF THEIR CHOICE ARE INCONSISTENT WITH THE RIGHT
9 TO FREE AND OPEN ELECTIONS AS PROVIDED BY SECTION 5 OF ARTICLE II
10 OF THE STATE CONSTITUTION AND PROTECTIONS FOUND IN THE
11 FOURTEENTH AND FIFTEENTH AMENDMENTS TO THE UNITED STATES
12 CONSTITUTION;

13 (b) DISCRIMINATION IN VOTING IS A PERSISTENT MATTER OF
14 STATEWIDE CONCERN DUE TO THE HISTORY OF DISCRIMINATORY
15 PRACTICES THAT CREATE DISPARITIES THAT PERSIST OVER TIME; AND

16 (c) VOTER TURNOUT IS A MATTER OF STATEWIDE CONCERN AND IS
17 MORE LIKELY TO BE LOW IN LOCAL ELECTIONS THAT ARE NOT
18 COORDINATED WITH STATEWIDE ELECTIONS.

19 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT
20 THE PREVENTION OF DISCRIMINATION IN VOTING AND VOTER TURNOUT ARE
21 MATTERS OF STATEWIDE CONCERN.

22 (3) THEREFORE, IT IS IN THE BEST INTEREST OF THE STATE TO
23 CREATE A STATE VOTING RIGHTS ACT THAT PROTECTS AGAINST
24 DISCRIMINATION IN VOTING AND THAT ENCOURAGES LOCAL ELECTIONS TO
25 BE HELD IN COORDINATION WITH STATEWIDE ELECTIONS.

26 **1-47-103. Definitions.** AS USED IN THIS ARTICLE 47, UNLESS THE
27 CONTEXT OTHERWISE REQUIRES:

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(1) "ATTORNEY GENERAL" MEANS THE ATTORNEY GENERAL, AS
DEFINED IN THE STATE CONSTITUTION, AND THE OFFICE OF THE ATTORNEY
GENERAL.

(2) "BALLOT ISSUE" HAS THE SAME MEANING AS SET FORTH IN
SECTION 1-1-104 (2.3).

(3) "BALLOT QUESTION" HAS THE SAME MEANING AS SET FORTH IN
SECTION 1-1-104 (2.7).

(4) "COORDINATED ELECTION" HAS THE SAME MEANING AS SET
FORTH IN SECTION 1-1-104 (6.5).

(5) "COUNTY" INCLUDES A CITY AND COUNTY.

(6) "DISABILITY" HAS THE SAME MEANING AS SET FORTH IN THE
FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
12101, ET SEQ.

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(7) "DROP BOX" HAS THE SAME MEANING AS SET FORTH IN SECTION
1-1-104 (9.7).

(8) "DROP-OFF LOCATION" HAS THE SAME MEANING AS SET FORTH
IN SECTION 1-1-104 (9.8). "DROP-OFF LOCATION" INCLUDES A BALLOT BOX
AS DESCRIBED IN THE "COLORADO MUNICIPAL ELECTION CODE OF 1965",
ARTICLE 10 OF TITLE 31.

(9) "ELECTOR" HAS THE SAME MEANING AS SET FORTH IN SECTION
1-1-104 (12).

(10) "ELIGIBLE ELECTOR" HAS THE SAME MEANING AS SET FORTH
IN SECTION 1-1-104 (16).

(11) "GENDER EXPRESSION" HAS THE SAME MEANING AS SET
FORTH IN SECTION 24-34-301 (9).

1 (12) "GENDER IDENTITY" HAS THE SAME MEANING AS SET FORTH
2 IN SECTION 24-34-301 (10).

3 (13) "GENERAL ELECTION" HAS THE SAME MEANING AS SET FORTH
4 IN SECTION 1-1-104 (17).

5 (14) "LANGUAGE MINORITY GROUP" MEANS INDIVIDUALS WHOSE
6 PRIMARY LANGUAGE IS ANY LANGUAGE OTHER THAN ENGLISH.

7 (15) "MATERIAL DISPARITY" MEANS A NON-TRIVIAL DIFFERENCE.

8 (16) "METHOD OF ELECTION" MEANS THE METHOD BY WHICH
9 CANDIDATES ARE ELECTED TO THE LEGISLATIVE BODY OF THE POLITICAL
10 SUBDIVISION.

11 (17) "MUNICIPALITY" HAS THE SAME MEANING AS SET FORTH IN
12 SECTION 31-1-101 (6).

13 (18) "POLARIZED VOTING" MEANS VOTING IN WHICH THERE IS A
14 DIVERGENCE IN THE CANDIDATE OR POLITICAL PREFERENCES, OR
15 ELECTORAL CHOICES, OF MEMBERS IN A PROTECTED CLASS FROM THE
16 CANDIDATE OR POLITICAL PREFERENCES, OR ELECTORAL CHOICES, OF
17 OTHER ELECTORS IN THE POLITICAL SUBDIVISION.

18 (19) "POLITICAL SUBDIVISION" MEANS A STATUTORY OR HOME
19 RULE COUNTY, CITY AND COUNTY, CITY, TOWN, OR MUNICIPALITY.
20 "POLITICAL SUBDIVISION" DOES NOT INCLUDE A SCHOOL DISTRICT OR
21 SPECIAL DISTRICT.

22 (20) "POLLING LOCATION" HAS THE SAME MEANING AS SET FORTH
23 IN SECTION 1-1-104 (27.5).

24 (21) "PRECINCT" HAS THE SAME MEANING AS SET FORTH IN
25 SECTION 1-1-104 (30).

26 (22) "PRIMARY ELECTION" HAS THE SAME MEANING AS SET FORTH
27 IN SECTION 1-1-104 (32).

1 (23) "PROTECTED CLASS" MEANS A CLASS OF ELECTORS WHO ARE
2 MEMBERS OF ONE OR MORE RACIAL, COLOR, OR LANGUAGE MINORITY
3 GROUPS, INCLUDING:

4 (a) A RACIAL, COLOR, OR LANGUAGE MINORITY GROUP AS
5 REFERENCED IN THE FEDERAL "VOTING RIGHTS ACT OF 1965", 52 U.S.C.
6 SEC. 10301, ET SEQ.; AND

7 (b) A MINIMUM REPORTING CATEGORY THAT HAS BEEN OFFICIALLY
8 RECOGNIZED OR CONSIDERED THROUGH NOTICE AND COMMENT BY THE
9 UNITED STATES CENSUS BUREAU.

10 (24) "SEXUAL ORIENTATION" HAS THE SAME MEANING AS SET
11 FORTH IN SECTION 24-34-301 (24).

12 (25) "VOTER SERVICE AND POLLING CENTER" HAS THE SAME
13 MEANING AS SET FORTH IN SECTION 1-1-104 (50.5).

14 **1-47-104. Liberal construction.** THIS ARTICLE 47 MUST BE
15 LIBERALLY CONSTRUED TO EFFECTUATE ITS PURPOSE AND TO:

16 (1) PROTECT THE RIGHT TO CAST A BALLOT AND MAKE THE BALLOT
17 VALID;

18 (2) ENSURE ELIGIBLE INDIVIDUALS SEEKING VOTER REGISTRATION
19 ARE NOT IMPAIRED IN BEING REGISTERED;

20 (3) ENSURE ELIGIBLE ELECTORS ARE NOT IMPAIRED IN VOTING,
21 INCLUDING BUT NOT LIMITED TO HAVING THEIR VOTES COUNTED;

22 (4) MAKE THE FUNDAMENTAL RIGHT TO VOTE MORE ACCESSIBLE
23 TO ELIGIBLE ELECTORS; AND

24 (5) ENSURE, FOR MEMBERS OF PROTECTED CLASSES, EQUITABLE
25 ACCESS TO OPPORTUNITIES TO BE REGISTERED TO VOTE AND TO VOTE.

26 **1-47-105. Prohibition on voter suppression.** A POLITICAL
27 SUBDIVISION SHALL NOT ACT IN A MANNER THAT RESULTS IN, WILL RESULT

1 IN, OR IS INTENDED TO RESULT IN A MATERIAL DISPARITY BETWEEN
2 MEMBERS OF A PROTECTED CLASS AND OTHER ELIGIBLE ELECTORS IN
3 REGARD TO VOTER PARTICIPATION, ACCESS TO VOTING OPPORTUNITIES, OR
4 THE OPPORTUNITY OR ABILITY TO PARTICIPATE IN THE POLITICAL PROCESS.

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6 **1-47-106. Prohibition on voter dilution.** (1) A POLITICAL
7 SUBDIVISION SHALL NOT ENACT OR EMPLOY ANY METHOD OF ELECTION
8 THAT HAS THE EFFECT OF, OR IS MOTIVATED IN PART BY THE INTENTION OF,
9 DISPARATELY IMPAIRING THE OPPORTUNITY OR ABILITY OF MEMBERS OF
10 A PROTECTED CLASS TO ELECT THE CANDIDATES OF THEIR CHOICE OR
11 OTHERWISE INFLUENCE THE OUTCOME OF ELECTIONS AS A RESULT OF
12 DILUTING THE VOTE OF MEMBERS OF THAT PROTECTED CLASS.

13 (2) A VIOLATION OF THIS SECTION OCCURS WHEN:

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15 (a) (I) ELECTIONS IN THE POLITICAL SUBDIVISION EXHIBIT
16 POLARIZED VOTING THAT DISPARATELY IMPAIRS THE EQUAL OPPORTUNITY
17 OR ABILITY OF MEMBERS OF A PROTECTED CLASS TO NOMINATE OR ELECT
18 THE CANDIDATES OF THEIR CHOICE; OR

19 (II) BASED ON THE TOTALITY OF THE CIRCUMSTANCES, THE EQUAL
20 OPPORTUNITY OR ABILITY OF MEMBERS OF A PROTECTED CLASS TO
21 NOMINATE OR ELECT THE CANDIDATES OF THEIR CHOICE IS DISPARATELY
22 IMPAIRED; AND

23 (b) ONE OR MORE NEW METHODS OF ELECTION OR CHANGES TO THE
24 EXISTING ELECTION METHOD EXIST THAT WOULD LIKELY MITIGATE THE
25 DISPARATE IMPAIRMENT DESCRIBED IN SUBSECTION (2)(a)(I) OR (2)(a)(II)
26 OF THIS SECTION.

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1 (I) AN INDIVIDUAL;

2 (II) AN ORGANIZATION WHOSE MEMBERSHIP INCLUDES OR IS
3 LIKELY TO INCLUDE AGGRIEVED INDIVIDUALS;

4 (III) AN ORGANIZATION WHOSE MISSION WOULD BE FRUSTRATED
5 BY A VIOLATION OF SECTION 1-47-105, 1-47-106, 1-47-107, OR 1-47-108;
6 AND

7 (IV) AN ORGANIZATION THAT WOULD BE REQUIRED TO EXPEND
8 ADDITIONAL RESOURCES TO FULFILL ITS MISSION AS A RESULT OF A
9 VIOLATION OF SECTION 1-47-105, 1-47-106, 1-47-107, OR 1-47-108.

10 (2) (a) TO ENFORCE THIS ARTICLE 47, THE ATTORNEY GENERAL
11 MAY:

12 (I) BRING A CIVIL ACTION PURSUANT TO SUBSECTION (1)(a) OF THIS
13 SECTION; OR

14 (II) INTERVENE IN A CIVIL ACTION BROUGHT BY AN AGGRIEVED
15 PERSON PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION.

16 (b) TO ENFORCE THIS ARTICLE 47, THE ATTORNEY GENERAL MAY
17 CONDUCT INVESTIGATIONS AND ISSUE CIVIL INVESTIGATION DEMANDS
18 RELATED TO POTENTIAL VIOLATIONS OF THIS ARTICLE 47.

19 (3) A CIVIL ACTION BROUGHT PURSUANT TO THIS SECTION
20 RECEIVES PREFERENCE OVER OTHER CIVIL CAUSES AND MUST BE HEARD
21 AND DETERMINED IN PREFERENCE TO OTHER CIVIL BUSINESS, REGARDLESS
22 OF POSITION ON THE CALENDAR.

23 (4) THE STATE IS A NECESSARY PARTY IN ANY ACTION IN WHICH AN
24 ALLEGED VIOLATION IS BASED ON A POLITICAL SUBDIVISION'S
25 IMPLEMENTATION OF THE "UNIFORM ELECTION CODE OF 1992", IF THE
26 APPLICABLE STATE LAW DOES NOT AFFORD DISCRETION TO THE POLITICAL
27 SUBDIVISION IN ITS IMPLEMENTATION OF SUCH LAW.

1 **1-47-202. Notification letter - when required.** (1) (a) EXCEPT
2 AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, BEFORE BRINGING A
3 CIVIL ACTION AGAINST A POLITICAL SUBDIVISION PURSUANT TO SECTION
4 1-47-201, AN AGGRIEVED PERSON OR THE ATTORNEY GENERAL SHALL
5 SEND BY CERTIFIED MAIL A NOTIFICATION LETTER TO THE POLITICAL
6 SUBDIVISION INFORMING THE POLITICAL SUBDIVISION THAT IT MAY BE IN
7 VIOLATION OF THIS ARTICLE 47 AND INCLUDING DETAILS OF THE ALLEGED
8 VIOLATION. THE NOTIFICATION LETTER MUST SPECIFY THE VIOLATION OR
9 VIOLATIONS ALLEGED AND MUST CONTAIN A STATEMENT OF FACTS TO
10 SUPPORT SUCH ALLEGATION.

11 (b) AN AGGRIEVED PERSON OR THE ATTORNEY GENERAL MUST
12 WAIT SIXTY CALENDAR DAYS AFTER SENDING THE NOTIFICATION LETTER
13 REQUIRED BY SUBSECTION (1)(a) OF THIS SECTION TO BRING A CIVIL
14 ACTION AGAINST A POLITICAL SUBDIVISION PURSUANT TO SECTION
15 1-47-201; EXCEPT THAT, IF A POLITICAL SUBDIVISION ADOPTS A
16 RESOLUTION PURSUANT TO SECTION 1-47-203, AN AGGRIEVED PERSON OR
17 THE ATTORNEY GENERAL MUST WAIT NINETY CALENDAR DAYS AFTER THE
18 PASSAGE OF THE RESOLUTION TO BRING A CIVIL ACTION AGAINST THE
19 POLITICAL SUBDIVISION, OR IF THE SOLUTION IDENTIFIED IN THE
20 RESOLUTION PURSUANT TO SECTION 1-47-203 (2) REQUIRES AN ELECTION
21 IN THE POLITICAL SUBDIVISION, THE AGGRIEVED PERSON OR THE
22 ATTORNEY GENERAL MUST WAIT ONE HUNDRED EIGHTY CALENDAR DAYS
23 AFTER THE PASSAGE OF THE RESOLUTION TO BRING A CIVIL ACTION
24 AGAINST THE POLITICAL SUBDIVISION.

25 (2) AN AGGRIEVED PERSON OR THE ATTORNEY GENERAL MAY
26 BRING A CIVIL ACTION AGAINST A POLITICAL SUBDIVISION PURSUANT TO
27 SECTION 1-47-201 WITHOUT FIRST SENDING THE NOTIFICATION LETTER

1 REQUIRED BY SUBSECTION (1)(a) OF THIS SECTION IF:

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3 (a) THE AGGRIEVED PERSON OR THE ATTORNEY GENERAL IS
4 SEEKING PRELIMINARY RELIEF PURSUANT TO SECTION 1-47-206 (1); OR

5 (b) A DIFFERENT AGGRIEVED PERSON OR THE ATTORNEY GENERAL
6 PREVIOUSLY SENT A NOTIFICATION LETTER REQUIRED BY SUBSECTION
7 (1)(a) OF THIS SECTION TO THE POLITICAL SUBDIVISION THAT IDENTIFIED
8 A SUBSTANTIALLY SIMILAR ALLEGED VIOLATION OF THIS ARTICLE 47,
9 SIXTY CALENDAR DAYS HAVE PASSED SINCE THAT NOTIFICATION LETTER
10 WAS SENT, AND THE POLITICAL SUBDIVISION HAS NOT ADOPTED A
11 RESOLUTION PROVIDING FOR A SOLUTION TO THE ALLEGED VIOLATION.

12 **1-47-203. Political subdivision resolution - remedy for**
13 **violation of Colorado Voting Rights Act - agreement with aggrieved**
14 **person - definition.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
15 OTHERWISE REQUIRES, "RESOLUTION" MEANS A RESOLUTION OF A
16 POLITICAL SUBDIVISION THAT MEETS THE REQUIREMENTS DESCRIBED IN
17 SUBSECTION (2)(b) OF THIS SECTION.

18 (2) (a) AFTER RECEIVING A NOTIFICATION LETTER SENT PURSUANT
19 TO SECTION 1-47-202, THE GOVERNING BODY OF A POLITICAL SUBDIVISION
20 MAY ADOPT A RESOLUTION PROVIDING FOR A SOLUTION TO THE ALLEGED
21 VIOLATION OF THIS ARTICLE 47 AS IDENTIFIED IN THE NOTIFICATION
22 LETTER.

23 (b) A RESOLUTION MUST:

24 (I) SPECIFICALLY IDENTIFY THE ALLEGED VIOLATION OF THIS
25 ARTICLE 47;

26 (II) IDENTIFY A SPECIFIC PROPOSED SOLUTION TO THE VIOLATION
27 ALLEGED IN THE NOTIFICATION LETTER;

1 (III) AFFIRM THE INTENTION OF THE POLITICAL SUBDIVISION TO
2 ENACT AND IMPLEMENT A SOLUTION TO THE IDENTIFIED ALLEGED
3 VIOLATION;

4 (IV) OUTLINE SPECIFIC MEASURES THAT THE POLITICAL
5 SUBDIVISION WILL TAKE TO ENACT AND IMPLEMENT THE IDENTIFIED
6 SOLUTION; AND

7 (V) ESTABLISH A SCHEDULE FOR ENACTMENT AND
8 IMPLEMENTATION OF THE IDENTIFIED SOLUTION.

9 (c) THE ADOPTION OF A RESOLUTION DOES NOT CONSTITUTE AN
10 ADMISSION BY THE POLITICAL SUBDIVISION OF ANY LIABILITY UNDER THIS
11 ARTICLE 47.

12 (3) (a) IF A POLITICAL SUBDIVISION ADOPTS A RESOLUTION, THE
13 POLITICAL SUBDIVISION SHALL IMPLEMENT THE IDENTIFIED SOLUTION
14 WITHIN NINETY CALENDAR DAYS AFTER THE PASSAGE OF THE RESOLUTION;
15 EXCEPT THAT, IF THE IDENTIFIED SOLUTION REQUIRES AN ELECTION IN THE
16 POLITICAL SUBDIVISION, THE POLITICAL SUBDIVISION SHALL IMPLEMENT
17 THE IDENTIFIED SOLUTION WITHIN ONE HUNDRE EIGHTY CALENDAR DAYS
18 AFTER THE PASSAGE OF THE RESOLUTION.

19 (b) (I) WITHIN THIRTY DAYS AFTER THE IMPLEMENTATION OF THE
20 IDENTIFIED SOLUTION, AN AGGRIEVED PERSON WHO SENT THE
21 NOTIFICATION LETTER THAT PROMPTED THE SOLUTION MAY DEMAND
22 REIMBURSEMENT FOR THE COST OF THE WORK PRODUCT GENERATED TO
23 SUPPORT THE NOTIFICATION LETTER.

24 (II) AN AGGRIEVED PERSON SHALL MAKE THE DEMAND FOR
25 REIMBURSEMENT IN WRITING AND SHALL SUBSTANTIATE THE DEMAND
26 WITH FINANCIAL DOCUMENTATION, SUCH AS A DETAILED INVOICE FOR
27 DEMOGRAPHY SERVICES OR FOR THE ANALYSIS OF VOTING PATTERNS IN

1 THE POLITICAL SUBDIVISION. A POLITICAL SUBDIVISION MAY REQUEST
2 ADDITIONAL DOCUMENTATION IF THE PROVIDED DOCUMENTATION IS
3 INSUFFICIENT TO CORROBORATE THE CLAIMED COSTS.

4 (III) A POLITICAL SUBDIVISION SHALL REIMBURSE AN AGGRIEVED
5 PERSON AS DESCRIBED IN THIS SUBSECTION (3)(b) FOR REASONABLE COSTS
6 CLAIMED OR IN AN AMOUNT TO WHICH THE POLITICAL SUBDIVISION AND
7 THE AGGRIEVED PERSON MUTUALLY AGREE. A POLITICAL SUBDIVISION OR
8 AN AGGRIEVED PERSON MAY FILE A DECLARATORY JUDGMENT ACTION TO
9 OBTAIN A CLARIFICATION OF THEIR RIGHTS UNDER THIS SUBSECTION
10 (3)(b).

11 (c) IF A PROVISION OF LAW WOULD PRECLUDE IMPLEMENTATION OR
12 ENACTMENT OF THE SOLUTION IDENTIFIED IN THE RESOLUTION TO RESOLVE
13 THE ALLEGED VIOLATION, THE POLITICAL SUBDIVISION THAT ADOPTED THE
14 RESOLUTION MAY FILE A PETITION IN DISTRICT COURT SEEKING SPECIFIC
15 AUTHORITY TO IMPLEMENT THE IDENTIFIED SOLUTION. A DISTRICT COURT
16 MAY GRANT APPROVAL OR AUTHORITY TO IMPLEMENT THE IDENTIFIED
17 SOLUTION UPON A POLITICAL SUBDIVISION'S PETITION THAT IDENTIFIES
18 WITH SPECIFICITY THE STATUTE OR OTHER AUTHORITY THAT PREVENTS
19 THE POLITICAL SUBDIVISION FROM ENACTING OR IMPLEMENTING THE
20 IDENTIFIED SOLUTION.

21 (4) IF AN AGGRIEVED PERSON OR THE ATTORNEY GENERAL
22 DETERMINES THAT THE SOLUTION IDENTIFIED IN THE RESOLUTION DOES
23 NOT REMEDY THE ALLEGED VIOLATION IDENTIFIED IN THE NOTIFICATION
24 LETTER SENT PURSUANT TO SECTION 1-47-202, AN AGGRIEVED PERSON OR
25 THE ATTORNEY GENERAL MAY BRING A CIVIL ACTION AGAINST THE
26 POLITICAL SUBDIVISION PURSUANT TO SECTION 1-47-201.

27 **1-47-204. Prima facie case - voter suppression.** (1) (a) AN

1 AGGRIEVED PERSON OR THE ATTORNEY GENERAL BRINGING A CIVIL ACTION
2 AGAINST A POLITICAL SUBDIVISION PURSUANT TO SECTION 1-47-201 THAT
3 ALLEGES A VIOLATION OF SECTION 1-47-105 ESTABLISHES A PRIMA FACIE
4 CASE OF VOTER SUPPRESSION IF THE PERSON SHOWS, BY A
5 PREPONDERANCE OF THE EVIDENCE, THAT THE CHALLENGED ACTION
6 RESULTS IN, WILL RESULT IN, OR IS INTENDED TO RESULT IN A MATERIAL
7 DISPARITY BETWEEN MEMBERS OF A PROTECTED CLASS AND OTHER
8 ELIGIBLE ELECTORS IN REGARD TO VOTER PARTICIPATION, ACCESS TO
9 VOTING OPPORTUNITIES, OR THE OPPORTUNITY OR ABILITY TO PARTICIPATE
10 IN THE POLITICAL PROCESS.

11 (b) IF THE AGGRIEVED PERSON OR THE ATTORNEY GENERAL
12 ESTABLISHES A PRIMA FACIE CASE OF VOTER SUPPRESSION AS DESCRIBED
13 IN SUBSECTION (1)(a) OF THIS SECTION, THE BURDEN SHIFTS TO THE
14 POLITICAL SUBDIVISION TO DEMONSTRATE BY CLEAR AND CONVINCING
15 EVIDENCE THAT THE CHALLENGED ACTION IS NECESSARY TO FURTHER AN
16 IMPORTANT, PARTICULARIZED GOVERNMENTAL INTEREST.

17 (c) IF THE POLITICAL SUBDIVISION MEETS ITS BURDEN AS
18 DESCRIBED IN SUBSECTION (1)(b) OF THIS SECTION, THE CHALLENGED
19 ACTION MAY NONETHELESS BE HELD INVALID IF THE AGGRIEVED PERSON
20 OR THE ATTORNEY GENERAL DEMONSTRATES BY A PREPONDERANCE OF
21 THE EVIDENCE THAT THE POLITICAL SUBDIVISION COULD COMPARABLY
22 FURTHER THE IDENTIFIED IMPORTANT, PARTICULARIZED GOVERNMENTAL
23 INTEREST THROUGH AN ALTERNATIVE POLICY THAT RESULTS IN A SMALLER
24 DISPARITY BETWEEN MEMBERS OF A PROTECTED CLASS AND OTHER
25 ELIGIBLE ELECTORS.

26 **1-47-205. Factors in determining voter dilution.** (1) (a) IN
27 DETERMINING WHETHER A CHALLENGED METHOD OF ELECTION EXHIBITS

1 POLARIZED VOTING FOR PURPOSES OF SECTION 1-47-106 (2)(a)(I), A
2 COURT:

3 (I) SHALL DETERMINE THE PRESENCE OF POLARIZED VOTING BASED
4 ONLY ON THE COMBINED ELECTORAL PREFERENCES OF THE GROUPS
5 COMPRISING THE PROTECTED CLASS, AS DEFINED IN THE COMPLAINT.
6 THERE IS NO REQUIREMENT TO SHOW THAT EACH GROUP OR ANY
7 SUBGROUP WITHIN A PROTECTED CLASS IS SEPARATELY POLARIZED FROM
8 OTHER ELIGIBLE ELECTORS.

9 (II) SHALL NOT CONSIDER THE CAUSES OF OR REASONS FOR
10 POLARIZED VOTING, INCLUDING PARTISAN EXPLANATIONS OR
11 DISCRIMINATORY INTENT;

12 (III) MAY FIND A VIOLATION OF SECTION 1-47-106 BASED ON ANY
13 NUMBER OR COMBINATION OF ELECTIONS, INCLUDING ONE ELECTION; AND

14 (IV) MAY CONSIDER ANALYSES OF RELEVANT ELECTION RESULTS,
15 INCLUDING BUT NOT LIMITED TO:

16 (A) ELECTIONS FOR OFFICES OF THE POLITICAL SUBDIVISION;

17 (B) ELECTIONS HELD IN THE POLITICAL SUBDIVISION FOR OTHER
18 OFFICES, SUCH AS STATE OR FEDERAL OFFICES;

19 (C) BALLOT ISSUES OR QUESTIONS; OR

20 (D) OTHER ELECTORAL CHOICES THAT BEAR ON THE RIGHTS AND
21 PRIVILEGES OF THE PROTECTED CLASS.

22 (b) THE FOLLOWING DO NOT PRECLUDE A FINDING THAT A
23 VIOLATION OF SECTION 1-47-106 EXISTS:

24 (I) EVIDENCE OF NONPOLARIZED VOTING IN ELECTIONS FOR
25 OFFICES OUTSIDE THE POLITICAL SUBDIVISION;

26 (II) NONSTATISTICAL OR NONQUANTITATIVE EVIDENCE OF
27 NONPOLARIZED VOTING, WHERE ALLEGATIONS OF POLARIZED VOTING ARE

1 BASED ON QUANTITATIVE OR STATISTICAL EVIDENCE; OR

2 (III) LOW TURNOUT OR REGISTRATION RATES AMONG MEMBERS OF
3 A PROTECTED CLASS.

4 (2) (a) IN DETERMINING WHETHER, BASED ON THE TOTALITY OF
5 THE CIRCUMSTANCES, THE EQUAL OPPORTUNITY OR ABILITY OF MEMBERS
6 OF A PROTECTED CLASS TO NOMINATE OR ELECT THE CANDIDATES OF
7 THEIR CHOICE IS DISPARATELY IMPAIRED FOR PURPOSES OF SECTION
8 1-47-106 (2)(a)(II), A COURT MAY CONSIDER THE FOLLOWING FACTORS:

9 (I) THE HISTORY OF DISCRIMINATION AFFECTING MEMBERS OF THE
10 PROTECTED CLASS;

11 (II) THE EXTENT TO WHICH MEMBERS OF THE PROTECTED CLASS
12 ARE DISADVANTAGED OR OTHERWISE BEAR THE EFFECTS OF PUBLIC OR
13 PRIVATE DISCRIMINATION IN AREAS THAT MAY HINDER THEIR ABILITY TO
14 PARTICIPATE EFFECTIVELY IN THE POLITICAL PROCESS, INCLUDING
15 EDUCATION, EMPLOYMENT, HEALTH, CRIMINAL JUSTICE, HOUSING,
16 TRANSPORTATION, LAND USE, OR ENVIRONMENTAL PROTECTION;

17 (III) THE EXTENT TO WHICH MEMBERS OF THE PROTECTED CLASS
18 VOTE AT LOWER RATES THAN OTHER ELIGIBLE ELECTORS;

19 (IV) THE EXTENT TO WHICH MEMBERS OF THE PROTECTED CLASS
20 CONTRIBUTE MONEY TO POLITICAL CAMPAIGNS OR POLITICAL CAUSES AT
21 LOWER RATES THAN OTHER INDIVIDUALS;

22 (V) THE EXTENT TO WHICH MEMBERS OF THE PROTECTED CLASS
23 HAVE BEEN ELECTED TO OFFICE IN THE POLITICAL SUBDIVISION;

24 (VI) THE EXTENT TO WHICH CANDIDATES WHO ARE MEMBERS OF
25 THE PROTECTED CLASS HAVE FACED BARRIERS WITH RESPECT TO
26 ACCESSING THE BALLOT, RECEIVING FINANCIAL SUPPORT, OR RECEIVING
27 OTHER SUPPORT FOR AN ELECTION;

1 (VII) THE EXTENT TO WHICH CANDIDATES FACE HOSTILITY OR
2 BARRIERS WHILE CAMPAIGNING ON ACCOUNT OF THEIR MEMBERSHIP IN
3 THE PROTECTED CLASS; AND

4 (VIII) THE USE OF OVERT OR SUBTLE RACIAL APPEALS IN
5 POLITICAL CAMPAIGNS IN THE POLITICAL SUBDIVISION OR SURROUNDING
6 ADOPTION OR MAINTENANCE OF THE CHALLENGED METHOD OF ELECTION.

7 (b) NONE OF THE FACTORS DESCRIBED IN SUBSECTION (2)(a) OF
8 THIS SECTION ARE DISPOSITIVE OR NECESSARY TO ESTABLISH THE
9 EXISTENCE OF A VIOLATION OF SECTION 1-47-106 AND NO SPECIFIED
10 NUMBER OR COMBINATION OF FACTORS IS REQUIRED TO ESTABLISH A
11 VIOLATION OF SECTION 1-47-106.

12 (3) WHETHER MEMBERS OF A PROTECTED CLASS TYPICALLY ELECT
13 CANDIDATES OF THEIR CHOICE TO THE RELEVANT GOVERNING BODY IN
14 APPROXIMATE PROPORTION TO THEIR TOTAL NUMBER OR SHARE OF THE
15 POPULATION MAY BE RELEVANT TO FINDING A VIOLATION OF SECTION
16 1-47-106 AND DETERMINING AN APPROPRIATE REMEDY.

17 (4) THE FACT THAT MEMBERS OF A PROTECTED CLASS ARE NOT
18 GEOGRAPHICALLY COMPACT OR CONCENTRATED DOES NOT PRECLUDE
19 FINDING A VIOLATION OF SECTION 1-47-106, BUT MAY BE CONSIDERED IN
20 DETERMINING AN APPROPRIATE REMEDY FOR A VIOLATION.

21 **1-47-206. Remedy for violation of Colorado Voting Rights Act**
22 **- preliminary relief - award of costs and fees.** (1) (a) AN AGGRIEVED
23 PERSON THAT BRINGS A CIVIL ACTION AGAINST A POLITICAL SUBDIVISION
24 PURSUANT TO SECTION 1-47-201, OR THE ATTORNEY GENERAL, MAY SEEK
25 PRELIMINARY RELIEF CONCERNING AN UPCOMING ELECTION HELD IN THE
26 POLITICAL SUBDIVISION IF THE CIVIL ACTION IS BROUGHT WITHIN THE
27 ONE-HUNDRED-TWENTY-DAY PERIOD PRIOR TO THE ELECTION.

1 (b) A COURT OF COMPETENT JURISDICTION HEARING A CIVIL
2 ACTION FILED PURSUANT TO SECTION 1-47-201 THAT SEEKS PRELIMINARY
3 RELIEF PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION SHALL GRANT
4 PRELIMINARY RELIEF IF THE COURT DETERMINES THAT:

5 (I) THE AGGRIEVED PERSON OR THE ATTORNEY GENERAL IS
6 REASONABLY LIKELY TO SUCCEED ON THE MERITS;

7 (II) THERE IS A DANGER OF IMMEDIATE AND IRREPARABLE INJURY,
8 LOSS, OR DAMAGE THAT MAY BE PREVENTED BY GRANTING PRELIMINARY
9 RELIEF; AND

10 (III) AN APPROPRIATE REMEDY TO THE ALLEGED VIOLATION CAN
11 BE IMPLEMENTED PRIOR TO THE ELECTION IN A MANNER THAT WILL NOT
12 UNDULY DISRUPT THE ELECTION.

13 (2) (a) IF A COURT OF COMPETENT JURISDICTION HEARING A CIVIL
14 ACTION FILED PURSUANT TO SECTION 1-47-201 FINDS A VIOLATION OF THIS
15 ARTICLE 47, THE COURT SHALL ORDER APPROPRIATE REMEDIES THAT ARE
16 TAILORED TO ADDRESS THE VIOLATION.

17 (b) THE COURT SHALL CONSIDER REMEDIES PROPOSED BY A PARTY
18 AND MAY CONSIDER REMEDIES PROPOSED BY INTERESTED NONPARTIES.
19 THE COURT SHALL NOT PROVIDE DEFERENCE OR PRIORITY TO A REMEDY
20 PROPOSED BY A DEFENDANT OR POLITICAL SUBDIVISION.

21 (c) IN DETERMINING AN APPROPRIATE REMEDY, THE COURT SHALL
22 CONSIDER HOW DISRUPTIVE THE REMEDY WILL BE TO STATE LAW, THE
23 UNIFORM CONDUCT OF GENERAL, PRIMARY, OR COORDINATED ELECTIONS
24 OR AN IMMINENT MUNICIPAL ELECTION, AND THE OPERATIONS OF THE
25 POLITICAL SUBDIVISION.

26 (d) IF A PROVISION OF LAW WOULD PRECLUDE AN OTHERWISE
27 APPROPRIATE REMEDY, THE COURT MAY NONETHELESS ORDER A POLITICAL

1 SUBDIVISION TO IMPLEMENT THE REMEDY THAT IS INCONSISTENT WITH THE
2 PROVISION OF LAW.

3 (e) A REMEDY ORDERED BY A COURT MUST NOT IMPEDE A
4 POLITICAL SUBDIVISION'S OR THE STATE'S ABILITY TO VERIFY VOTER
5 IDENTITY ON MAIL BALLOT ENVELOPES ACCORDING TO APPLICABLE
6 PROCEDURES SET FORTH IN THE "UNIFORM ELECTION CODE OF 1992", THE
7 "COLORADO MUNICIPAL ELECTION CODE OF 1965", AND RULES ADOPTED
8 BY THE SECRETARY OF STATE.

9 (3) IF A COURT OF COMPETENT JURISDICTION HEARING A CIVIL
10 ACTION FILED PURSUANT TO SECTION 1-47-201 FINDS A VIOLATION OF THIS
11 ARTICLE 47, THE COURT MAY AWARD REASONABLE ATTORNEY FEES AND
12 COSTS TO THE PREVAILING PARTY; EXCEPT THAT, IF A POLITICAL
13 SUBDIVISION IS THE PREVAILING PARTY, THE COURT MAY NOT AWARD FEES
14 OR COSTS UNLESS THE COURT FINDS THE CIVIL ACTION TO BE FRIVOLOUS.

15 **1-47-207. Attorney general enforcement.** ENFORCEMENT BY THE
16 ATTORNEY GENERAL OF THIS ARTICLE 47 OR RELATED LEGAL ACTIONS ARE
17 BROUGHT SOLELY AT THE ATTORNEY GENERAL'S DISCRETION ON BEHALF
18 OF THE STATE. ACTIONS BROUGHT BY THE ATTORNEY GENERAL PURSUANT
19 TO THIS ARTICLE 47 ARE BROUGHT UNDER THE ATTORNEY GENERAL'S OWN
20 AUTHORITY AND NOT ON BEHALF OF THE SECRETARY OF STATE.

21 PART 3

22 STATEWIDE ELECTION INFORMATION

23 ==

24 **1-47-301. Election data collection and maintenance.**

25 (1) (a) THE SECRETARY OF STATE SHALL COLLECT AND MAINTAIN THE
26 FOLLOWING DATA IN AN ELECTRONIC FORMAT:

27 (I) ANNUAL ESTIMATES OF TOTAL POPULATION, VOTING AGE

1 POPULATION, AND CITIZEN VOTING AGE POPULATION BY RACE, ETHNICITY,
2 LANGUAGE MINORITY GROUP, AND DISABILITY STATUS FOR EACH
3 POLITICAL SUBDIVISION, WHICH ARE SPECIFIED AT THE PRECINCT LEVEL,
4 IF AVAILABLE, OR THE DISTRICT OR COUNTY LEVEL AND WHICH ARE BASED
5 ON INFORMATION FROM THE UNITED STATES CENSUS BUREAU, INCLUDING
6 FROM THE AMERICAN COMMUNITY SURVEY, OR INFORMATION OF
7 COMPARABLE QUALITY COLLECTED BY A PUBLIC ENTITY. THE
8 DEPARTMENT OF LOCAL AFFAIRS, CREATED IN SECTION 24-1-125, SHALL
9 ANNUALLY PROVIDE THE REQUIRED ESTIMATES TO THE SECRETARY OF
10 STATE. THE SECRETARY OF STATE'S OFFICE SHALL, TO THE EXTENT THAT
11 SUCH DATA EXISTS, ANNUALLY PROVIDE THE DEPARTMENT OF LOCAL
12 AFFAIRS WITH VOTING PRECINCT BOUNDARIES IN THE FORM THAT SUCH
13 DATA EXISTS.

14 (II) ELECTION RESULTS AT THE PRECINCT LEVEL, IF ANY, FOR
15 STATE AND POLITICAL SUBDIVISION ELECTIONS; AND

16 ==
17 (III) GEOCODED LOCATIONS OF VOTER SERVICE AND POLLING
18 CENTERS, POLLING LOCATIONS, BALLOT DROP BOXES, AND BALLOT
19 DROP-OFF LOCATIONS FOR EACH ELECTION IN EACH POLITICAL
20 SUBDIVISION, IF AVAILABLE, IN ADDITION TO THE NUMBER OF DAYS AND
21 HOURS THAT EACH VOTER SERVICE AND POLLING CENTER, POLLING
22 LOCATION, OR BALLOT DROP-OFF LOCATION IS OPEN.

23 ==
24 (b) THE SECRETARY OF STATE SHALL RETAIN THE DATA DESCRIBED
25 IN SUBSECTION (1)(a) OF THIS SECTION FOR THE LENGTH OF TIME THAT IT
26 IS AVAILABLE OR THE PRECEDING TWELVE YEARS AND SHALL MAINTAIN
27 THE DATA ON AS CURRENT A BASIS AS IS POSSIBLE.

1 (c) THE SECRETARY OF STATE SHALL MAKE THE DATA _____
2 DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION AVAILABLE ON THE
3 SECRETARY OF STATE'S WEBSITE IN AN ACCESSIBLE AND APPROPRIATE
4 ELECTRONIC FORMAT; EXCEPT THAT PERSONALLY IDENTIFIABLE VOTER
5 INFORMATION THAT IS NOT PUBLICLY AVAILABLE IS NOT PUBLISHED AND
6 ACCESSIBLE.

7 **1-47-302. Submission of election data by political subdivisions.**

8 (1) AFTER THE CERTIFICATION OF AN ELECTION OF ANY POLITICAL
9 SUBDIVISION, THE ENTITY RESPONSIBLE FOR ADMINISTERING THE ELECTION
10 SHALL SUBMIT TO THE SECRETARY OF STATE THE FOLLOWING
11 INFORMATION IN AN ACCESSIBLE AND APPROPRIATE FORMAT AS
12 DETERMINED BY THE SECRETARY OF STATE:

13 (a) ELECTION RESULTS, SPECIFIED AT THE PRECINCT LEVEL IF
14 AVAILABLE; AND

15 _____

16 (b) ELECTION DISTRICT AND PRECINCT BOUNDARIES, IF AVAILABLE.

17 (2) THE ENTITY RESPONSIBLE FOR ADMINISTERING THE ELECTION
18 IS NOT REQUIRED TO SUBMIT INFORMATION DESCRIBED IN SUBSECTION (1)
19 OF THIS SECTION IF THE SECRETARY OF STATE IS ALREADY IN POSSESSION
20 OF THE INFORMATION.

21 (3) THE SECRETARY OF STATE SHALL MAKE THE INFORMATION
22 DESCRIBED IN SUBSECTION (1) OF THIS SECTION AVAILABLE ON THE
23 SECRETARY OF STATE'S WEBSITE IN AN ACCESSIBLE AND APPROPRIATE
24 ELECTRONIC FORMAT.

25 (4) THE SECRETARY OF STATE SHALL PROVIDE ADEQUATE
26 TECHNOLOGICAL SECURITY MEASURES TO PREVENT UNAUTHORIZED
27 ACCESS TO VOTER-RELATED RECORDS AND SHALL ESTABLISH ADEQUATE

1 AND REASONABLE TECHNOLOGICAL SECURITY REQUIREMENTS FOR THE
2 EXCHANGE OR TRANSFER OF DATA.

3
4 **SECTION 6.** In Colorado Revised Statutes, 24-31-101, **amend**
5 (1)(i)(XXII) and (1)(i)(XXIII); and **add** (1)(i)(XXIV) as follows:

6 **24-31-101. Powers and duties of attorney general.** (1) The
7 attorney general:

8 (i) May independently initiate and bring civil and criminal actions
9 to enforce state laws, including actions brought pursuant to:

- 10 (XXII) Part 14 of article 12 of title 38; and
- 11 (XXIII) Section 24-34-806; AND
- 12 (XXIV) THE "COLORADO VOTING RIGHTS ACT", ARTICLE 47 OF
- 13 TITLE 1.

14 **SECTION 7.** In Colorado Revised Statutes, **add part 16 to article**
15 **10 of title 31 as follows:**

16 **PART 16**

17 **MULTILINGUAL BALLOT ACCESS**

18 **31-10-1601. Legislative declaration - intent.** (1) **THE GENERAL**
19 **ASSEMBLY FINDS AND DECLARES THAT:**

20 **(a) CONGRESS ENACTED THE LANGUAGE MINORITY PROVISIONS OF**
21 **THE FEDERAL "VOTING RIGHTS ACT OF 1965" BECAUSE "THROUGH THE**
22 **USE OF VARIOUS PRACTICES AND PROCEDURES, CITIZENS OF LANGUAGE**
23 **MINORITIES HAVE BEEN EFFECTIVELY EXCLUDED FROM PARTICIPATION IN**
24 **THE ELECTORAL PROCESS...";**

25 **(b) BASED ON THE 2023 FIVE-YEAR ESTIMATES SPECIFIED IN THE**
26 **UNITED STATES BUREAU OF THE CENSUS AMERICAN COMMUNITY SURVEY,**
27 **THERE ARE ONE HUNDRED TWENTY-THREE THOUSAND SIX HUNDRED**

1 FIFTY-SEVEN ELIGIBLE ELECTORS IN COLORADO WHO SPEAK ENGLISH
2 "LESS THAN VERY WELL". AS OF THE 2024 GENERAL ELECTION, AN
3 ESTIMATED ONE HUNDRED FIVE THOUSAND FOUR HUNDRED EIGHTY-FOUR
4 OF THOSE ELIGIBLE ELECTORS LIVE WITHIN A COUNTY THAT IS COVERED BY
5 THE MULTILINGUAL BALLOT REQUIREMENTS OF HOUSE BILL 21-1011,
6 ENACTED IN 2021. OUT OF AN ESTIMATED ONE HUNDRED THIRTY-ONE
7 MUNICIPALITIES THAT EXIST WHOLLY OR PARTIALLY IN A COVERED
8 COUNTY, AN ESTIMATED FIFTY-EIGHT MUNICIPALITIES COORDINATE THEIR
9 ELECTIONS WITH THE COUNTY AND ELECTORS RECEIVE MULTILINGUAL
10 BALLOT ACCESS. THE ESTIMATED REMAINING SEVENTY-THREE
11 MUNICIPALITIES HOLD ELECTIONS INDEPENDENTLY AND THE ABILITY FOR
12 ELECTORS TO ACCESS MINORITY LANGUAGE BALLOTS IS CONTINGENT ON
13 THE MUNICIPALITY INDEPENDENTLY OFFERING THESE RESOURCES.

14 (c) BY PASSING HOUSE BILL 21-1011, THE GENERAL ASSEMBLY
15 EXPANDED MINORITY LANGUAGE BALLOT ACCESS BEYOND FEDERAL
16 REQUIREMENTS TO COVER ADDITIONAL COUNTIES AND DECLARED THAT
17 ENSURING COLORADO CITIZENS HAVE ACCESS TO MULTILINGUAL BALLOTS
18 IS A MATTER OF STATEWIDE CONCERN;

19 (d) FOR ELECTORS IN COUNTIES COVERED BY THE REQUIREMENTS
20 OF HOUSE BILL 21-1011, HOWEVER, THE ABILITY TO VOTE WITH A
21 MINORITY LANGUAGE BALLOT IN A MUNICIPAL ELECTION IS CONTINGENT
22 ON WHETHER THE MUNICIPALITY ALIGNS ITS ELECTION WITH A COUNTY,
23 UNLESS THE MUNICIPALITY INDEPENDENTLY OFFERS ACCESS TO A
24 MULTILINGUAL BALLOT, AND ELECTORS SHOULD NOT BE DENIED ACCESS
25 TO A MULTILINGUAL BALLOT THAT THEY WOULD OTHERWISE HAVE ACCESS
26 TO; AND

27 (e) COLORADO AGAIN HAS AN OPPORTUNITY TO MAKE THE BALLOT

1 ACCESSIBLE TO MORE ELIGIBLE ELECTORS AND PROVIDE THEM WITH
2 MEANINGFUL ACCESS BY EXPANDING MINORITY LANGUAGE BALLOT
3 ACCESS BEYOND FEDERAL REQUIREMENTS AND THOSE ENACTED IN HOUSE
4 BILL 21-1011.

5 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT
6 THE INTENT OF THIS PART 16 IS TO:

7 (a) ENSURE MINORITY LANGUAGE BALLOT ACCESS FOR ELECTORS
8 IN MUNICIPALITIES THAT ARE WHOLLY OR PARTIALLY IN COUNTIES
9 COVERED BY THE REQUIREMENTS OF HOUSE BILL 21-1011; AND

10 (b) EXPAND MINORITY LANGUAGE BALLOT ACCESS WITHOUT
11 CHANGING OR REDUCING THE EXISTING RESPONSIBILITIES PURSUANT TO
12 SECTION 203 OF THE "VOTING RIGHTS ACT OF 1965" AND PART 9 OF
13 ARTICLE 5 OF TITLE 1.

14 **31-10-1602. Definitions.** AS USED IN THIS PART 16, UNLESS THE
15 CONTEXT OTHERWISE REQUIRES:

16 (1) "MINORITY LANGUAGE BALLOT" MEANS A BALLOT THAT IS
17 FULLY TRANSLATED INTO A LANGUAGE OTHER THAN ENGLISH. THE
18 CONTENT OF A "MINORITY LANGUAGE BALLOT" MAY BE IN ONLY A
19 LANGUAGE OTHER THAN ENGLISH OR BOTH ENGLISH AND A LANGUAGE
20 OTHER THAN ENGLISH.

21 (2) "MINORITY LANGUAGE SAMPLE BALLOT" MEANS A DOCUMENT
22 THAT IS AVAILABLE TO QUALIFIED ELECTORS TO HELP THEM PREPARE FOR
23 AN ELECTION THAT CONTAINS ALL CANDIDATES, QUESTIONS, AND
24 INSTRUCTIONS FOR VOTING, AND IS FULLY TRANSLATED INTO A LANGUAGE
25 OTHER THAN ENGLISH.

26 (3) "QUALIFIED TRANSLATOR" MEANS A TRANSLATOR WHO IS
27 DETERMINED BY THE SECRETARY OF STATE TO:

1 (a) BE SCREENED AND TESTED FOR PROFICIENCY IN BOTH WRITTEN
2 ENGLISH AND THE TARGET LANGUAGE WITH AFFILIATION OR
3 ACCREDITATION BY A NATIONALLY RECOGNIZED ASSOCIATION OF
4 TRANSLATORS OR HAVE OTHER CREDENTIALS OR CERTIFICATIONS THAT
5 ARE COMPARABLE TO OR EXCEED THE STANDARDS USED BY A NATIONALLY
6 RECOGNIZED ASSOCIATION OF TRANSLATORS; AND

7 (b) PRODUCE TRANSLATIONS THAT ARE LINGUISTICALLY
8 ACCURATE, CULTURALLY APPROPRIATE, AND TECHNICALLY CONSISTENT
9 WITH THE ORIGINAL DOCUMENTS.

10 **31-10-1603. Multilingual ballot access - general provisions -**
11 **requirements of secretary of state - clerks.** A CLERK IS REQUIRED TO
12 PROVIDE MULTILINGUAL BALLOT ACCESS BY CREATING A MINORITY
13 LANGUAGE SAMPLE BALLOT PURSUANT TO SECTION 31-10-1604 AND
14 PROVIDING AN IN-PERSON MINORITY LANGUAGE BALLOT PURSUANT TO
15 SECTION 31-10-1605 IF THE MUNICIPALITY EXISTS PARTIALLY OR WHOLLY
16 WITHIN A COUNTY COVERED BY THE MULTILINGUAL BALLOT
17 REQUIREMENTS OF SECTION 1-5-905 (1) AND THE MUNICIPALITY HAS A
18 POPULATION OF AT LEAST THREE THOUSAND PEOPLE.

19 **31-10-1604. Minority language sample ballots - clerks - mail**
20 **ballot elections.** (1) THE CLERK OF ANY MUNICIPALITY THAT SATISFIES
21 THE CRITERIA SPECIFIED IN SECTION 31-10-1603 SHALL CREATE A
22 MINORITY LANGUAGE SAMPLE BALLOT IN ANY MINORITY LANGUAGE FOR
23 WHICH A MINORITY LANGUAGE SAMPLE BALLOT IS REQUIRED PURSUANT
24 TO SECTION 1-5-906 FOR THE COUNTY IN WHICH THE MUNICIPALITY
25 PARTIALLY OR WHOLLY EXISTS.

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

1 (3) A CLERK WHO IS REQUIRED TO CREATE A MINORITY LANGUAGE
2 SAMPLE BALLOT IN ONE OR MORE MINORITY LANGUAGES PURSUANT TO
3 THIS SECTION SHALL PROVIDE THE MINORITY LANGUAGE SAMPLE BALLOT
4 FOR ANY MUNICIPAL ELECTION HELD ON OR AFTER JANUARY 1, 2027.

5 (4) THE CLERK SHALL MAKE THE MINORITY LANGUAGE SAMPLE
6 BALLOT AVAILABLE AND ACCESSIBLE TO ELECTORS ON THE
7 MUNICIPALITY'S WEBSITE AND AT POLLING PLACES MUNICIPALITY-WIDE,
8 IF USED. FOR AN ELECTION USING MAIL BALLOTS, THE CLERK SHALL
9 NOTIFY ALL ACTIVE ELIGIBLE ELECTORS IN THE MUNICIPALITY VIA THE
10 MAIL BALLOT PACKET AND IN EACH LANGUAGE IN WHICH A MINORITY
11 LANGUAGE SAMPLE BALLOT WILL BE CREATED THAT A MINORITY
12 LANGUAGE SAMPLE BALLOT IS AVAILABLE.

13 (5) THE CLERK SHALL ENSURE THAT THE TRANSLATION PROVIDED
14 FOR THE MINORITY LANGUAGE SAMPLE BALLOT IS PERFORMED BY ONE OR
15 MORE QUALIFIED TRANSLATORS.

16 **31-10-1605. In-person minority language ballot - clerks -**
17 **polling places.** (1) THE CLERK OF ANY MUNICIPALITY THAT SATISFIES THE
18 CRITERIA SPECIFIED IN SECTION 31-10-1603 SHALL ENSURE THAT AT LEAST
19 ONE PUBLICLY ACCESSIBLE LOCATION IN THE MUNICIPALITY IS EQUIPPED
20 TO PROVIDE, UPON THE REQUEST OF A QUALIFIED ELECTOR, AN IN-PERSON
21 MINORITY LANGUAGE BALLOT IN ANY MINORITY LANGUAGE FOR WHICH A
22 MINORITY LANGUAGE BALLOT IS REQUIRED PURSUANT TO SECTION 1-5-906
23 FOR THE COUNTY IN WHICH THE MUNICIPALITY PARTIALLY OR WHOLLY
24 EXISTS. IF THE MUNICIPALITY ESTABLISHES A POLLING PLACE FOR AN
25 ELECTION, THE CLERK SHALL ENSURE THAT THE POLLING PLACE IS
26 EQUIPPED TO PROVIDE, UPON THE REQUEST OF A VOTER, AN IN-PERSON
27 MINORITY LANGUAGE BALLOT.

1 (2) AN IN-PERSON MINORITY LANGUAGE BALLOT OPTION MUST BE
2 A BALLOT ON DEMAND, A BALLOT FROM A PRINTED STOCK OF BALLOTS, OR
3 A BALLOT VIA A VOTING DEVICE AND MUST INCLUDE ALL OF THE SAME
4 CONTENT THAT IS ON THE ENGLISH LANGUAGE BALLOT.

5 (3) A CLERK WHO IS REQUIRED TO PROVIDE AN IN-PERSON
6 MINORITY LANGUAGE BALLOT OPTION IN ONE OR MORE MINORITY
7 LANGUAGES PURSUANT TO THIS SECTION SHALL PROVIDE AN IN-PERSON
8 MINORITY LANGUAGE BALLOT OPTION FOR ANY MUNICIPAL ELECTION HELD
9 ON OR AFTER JANUARY 1, 2027.

10 (4) FOR AN ELECTION USING MAIL BALLOTS, THE CLERK SHALL
11 NOTIFY ALL ACTIVE ELIGIBLE ELECTORS IN THE MUNICIPALITY VIA THE
12 MAIL BALLOT PACKET AND IN EACH LANGUAGE IN WHICH THE IN-PERSON
13 MINORITY LANGUAGE BALLOT OPTION WILL BE AVAILABLE THAT ELECTORS
14 MAY REQUEST AN IN-PERSON MINORITY LANGUAGE BALLOT AND WHERE
15 THE ELECTOR MAY REQUEST THE IN-PERSON MINORITY LANGUAGE BALLOT.

16 **31-10-1606. Coordination with counties.** MUNICIPALITIES MAY
17 COORDINATE ELECTIONS WITH COUNTIES TO COLLABORATE ON COMPLYING
18 WITH THE MULTILINGUAL BALLOT REQUIREMENTS OF THIS PART 16 AND
19 PART 9 OF ARTICLE 5 OF TITLE 1.

20 **SECTION 8. Appropriation.** (1) For the 2025-26 state fiscal
21 year, \$75,432 is appropriated to the department of state for use by the
22 elections division. This appropriation is from the department of state cash
23 fund created in section 24-21-104 (3)(b), C.R.S. To implement this act,
24 the division may use this appropriation as follows:

25 (a) \$60,812 for personal services, which amount is based on an
26 assumption that the division will require an additional 1.0 FTE; and

27 (b) \$14,620 for operating expenses.

1 **SECTION 9. Act subject to petition - effective date -**
2 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
3 the expiration of the ninety-day period after final adjournment of the
4 general assembly; except that, if a referendum petition is filed pursuant
5 to section 1 (3) of article V of the state constitution against this act or an
6 item, section, or part of this act within such period, then the act, item,
7 section, or part will not take effect unless approved by the people at the
8 general election to be held in November 2026 and, in such case, will take
9 effect on the date of the official declaration of the vote thereon by the
10 governor.
11 (2) This act applies to elections and election-related activities
12 occurring on or after January 1, 2026.