

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 23-0739.03 Nicole Myers x4326

HOUSE BILL 23-1308

HOUSE SPONSORSHIP

Ortiz, Garcia, Jodeh, Joseph

SENATE SPONSORSHIP

Danielson,

House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

101 CONCERNING ACCESS TO GOVERNMENT BY PERSONS WITH
102 DISABILITIES.

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 state and local public bodies (public bodies), including the general assembly, and political parties to comply with certain accessibility requirements within specified periods.

Access to ballot by candidates. The bill requires the general assembly, the secretary of state, and each political party to ensure that the caucus process or any future alternative process by which candidates may

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.

access the ballot that is accessible to persons with disabilities remains an option in the state. The bill specifies that the petition process is not a means of ballot access that is accessible to persons with disabilities. In addition, the bill requires that within 6 months of the effective date of the bill, 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 that is accessible to persons with disabilities unless the precinct caucus or party assembly is held in a geographic location that lacks broadband internet service.

Auxiliary aids and services for members of the general assembly. The house of representatives and the senate are required to provide auxiliary aids and services to any member of the general assembly upon request of the member for use by the member while the member is in the capitol building or any other building in the capitol complex where legislative business regularly occurs.

Video conferencing platforms in court proceedings. Within 5 years of the effective date of the bill, all courts in the state are required to allow a person to appear in court by the use of a video conferencing platform upon request of the person who is required to appear in court; except that the court may make a finding of fact that the person's physical presence in the courtroom is required. The supreme court is required to prescribe rules of procedure to implement the use of a video conferencing platform. The bill includes an exemption for courts that are in a geographic location that lacks broadband internet service.

Accessibility of meetings of public bodies. Each public body is required to ensure that the following accessibility requirements are implemented:

- Within 6 months of the effective date of the bill, any public meeting at which public business is discussed, formal action may be taken, or recommendations to the governing body of the public body may be discussed (meeting) held by a public body is required to be accessible in real time by live streaming video or audio that is recorded and accessible to persons with disabilities;
- A public body is required to post on its website, within specified periods, any documents that will be distributed during a meeting;
- Within 6 months of the effective date of the bill, for any meeting of a public body during which public testimony will be heard, the public body is required to allow any person to participate in the meeting and offer public testimony by using a video conferencing platform unless the meeting occurs in a geographic location that lacks broadband internet service;
- A public body may require that a request for auxiliary aids

or services to attend a meeting of the public body with the use of the video conferencing platform be made up to 7 days before the date of the meeting;

- A public body is required to provide any auxiliary aids or services requested in time for the meeting for which they were requested without an explanation of the need for the auxiliary aids and services. A public body is required to postpone a meeting if it is unable to provide the requested auxiliary aids or services in time for the meeting and is required to document the reason for the additional time required.

State capitol building accessibility requirements. Within 4 years of the effective date of the bill, the legislative department, acting through the executive committee of the legislative council, is required to ensure that an audio and way-finding program that allows a person who is blind or visually impaired to independently navigate the state capitol building is implemented and available to any person who works in or visits the capitol building.

The failure of any political party or public body to comply with the applicable requirements of the bill constitutes discrimination on the basis of disability. Any person who is subjected to a violation is entitled to seek relief as currently provided in law.

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

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

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

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

10 (c) Persons with disabilities have remained unable to participate
11 fully and equally in meetings, such as caucuses held in inaccessible
12 locations, committee meetings that do not provide for remote testimony,
13 and live events in many locations in the state capitol building and other

1 government buildings that predate the "Americans with Disabilities Act
2 of 1990".

3 (2) The general assembly further finds and declares that:

4 (a) It is the public policy of the state to promote equitable access
5 to and participation in government for persons with disabilities at all
6 levels and all stages of the governmental process; and

7 (b) Resources such as the governor's office of information
8 technology; the Colorado commission for the deaf, hard of hearing, and
9 deafblind; and the open media foundation are available to provide
10 assistance in implementing the requirements of this act.

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

13 **1-1-116. Access to precinct caucus - party assembly.** (1) THE
14 GENERAL ASSEMBLY, THE SECRETARY OF STATE, AND EACH POLITICAL
15 PARTY SHALL ENSURE THAT THE CAUCUS PROCESS OR ANY FUTURE
16 ALTERNATIVE PROCESS BY WHICH CANDIDATES MAY ACCESS THE BALLOT
17 THAT IS ACCESSIBLE TO PERSONS WITH DISABILITIES REMAINS AN OPTION
18 IN THE STATE. THE PETITION PROCESS BY WHICH CANDIDATES MAY ACCESS
19 THE BALLOT IS NOT A MEANS OF BALLOT ACCESS THAT IS ACCESSIBLE TO
20 PERSONS WITH DISABILITIES AS REQUIRED BY THIS SUBSECTION (1).

21 (2) (a) NOTWITHSTANDING ANY PROVISION TO THE CONTRARY,
22 WITHIN SIX MONTHS OF THE EFFECTIVE DATE OF THIS SECTION, ANY
23 PERSON, UPON REQUEST, MUST BE ABLE TO PARTICIPATE IN A PRECINCT
24 CAUCUS OR A PARTY ASSEMBLY WITH THE USE OF A VIDEO CONFERENCING
25 PLATFORM. THE POLITICAL PARTY HOLDING THE CAUCUS OR ASSEMBLY
26 MUST ALLOW PARTICIPATION WITH THE USE OF A VIDEO CONFERENCING
27 PLATFORM WITHOUT REQUIRING OR REQUESTING AN EXPLANATION OF THE

1 NEED FOR THE USE OF THE VIDEO CONFERENCING PLATFORM. IT IS IN A
2 POLITICAL PARTY'S DISCRETION TO DETERMINE WHICH VIDEO
3 CONFERENCING PLATFORM WILL BE USED FOR PRECINCT CAUCUSES AND
4 PARTY ASSEMBLIES SO LONG AS THE PLATFORM IS ACCESSIBLE TO PERSONS
5 WITH DISABILITIES. EACH POLITICAL PARTY MAY ESTABLISH POLICIES
6 REGARDING THE USE OF A VIDEO CONFERENCING PLATFORM.

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

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

16 **SECTION 3.** In Colorado Revised Statutes, **add 2-2-328** as
17 follows:

18 **2-2-328. Auxiliary aids and services for members of the**
19 **general assembly.** (1) THE HOUSE OF REPRESENTATIVES AND THE SENATE
20 MUST PROVIDE AUXILIARY AIDS AND SERVICES, AS DESCRIBED IN 28 CFR
21 35.160 OR ANY SUCCESSOR REGULATION, TO ANY MEMBER OF THE
22 GENERAL ASSEMBLY UPON REQUEST OF THE MEMBER FOR USE BY THE
23 MEMBER. THE HOUSE OF REPRESENTATIVES AND THE SENATE MUST
24 PROVIDE SUCH AUXILIARY AIDS AND SERVICES WITHOUT REQUIRING OR
25 REQUESTING AN EXPLANATION OF THE NEED FOR THE AUXILIARY AIDS AND
26 SERVICES. THE HOUSE OF REPRESENTATIVES AND THE SENATE ARE
27 REQUIRED TO PROVIDE AUXILIARY AIDS AND SERVICES PURSUANT TO THIS

1 SECTION ONLY WHILE THE MEMBER OF THE GENERAL ASSEMBLY IS IN THE
2 CAPITOL BUILDING OR ANY OTHER BUILDING IN THE CAPITOL COMPLEX
3 WHERE LEGISLATIVE BUSINESS REGULARLY OCCURS.

4 (2) THE FAILURE OF THE HOUSE OF REPRESENTATIVES OR THE
5 SENATE TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION
6 CONSTITUTES DISCRIMINATION ON THE BASIS OF DISABILITY IN VIOLATION
7 OF SECTION 24-34-802. ANY PERSON WHO IS SUBJECTED TO A VIOLATION
8 OF THIS SECTION IS ENTITLED TO SEEK ALL RELIEF PROVIDED IN SECTION
9 24-34-802.

10 SECTION 4. In Colorado Revised Statutes, **add** 13-1-140 as
11 follows:

12 **13-1-140. Use of video conferencing platforms in court**
13 **proceedings.** (1) (a) WITHIN FIVE YEARS OF THE EFFECTIVE DATE OF THIS
14 SECTION, WHEN THE APPEARANCE OF A PERSON IS REQUIRED IN ANY COURT
15 OF THE STATE, THE COURT MUST ALLOW THE APPEARANCE TO BE MADE BY
16 THE USE OF A VIDEO CONFERENCING PLATFORM UPON REQUEST OF THE
17 PERSON WHO IS REQUIRED TO APPEAR UNLESS THE COURT MAKES A
18 FINDING OF FACT ON THE RECORD OF THE UNDERLYING MATTER THAT THE
19 PERSON'S PHYSICAL PRESENCE IN THE COURTROOM IS REQUIRED. THE
20 COURT MUST ALLOW THE APPEARANCE TO BE MADE BY THE USE OF A
21 VIDEO CONFERENCING PLATFORM, UNLESS THE COURT MAKES A FINDING
22 OF FACT THAT THE PERSON'S PHYSICAL PRESENCE IN THE COURTROOM IS
23 REQUIRED, WITHOUT REQUIRING OR REQUESTING AN EXPLANATION OF THE
24 NEED FOR THE USE OF THE VIDEO CONFERENCING PLATFORM. IT IS IN THE
25 COURT'S DISCRETION TO DETERMINE WHICH VIDEO CONFERENCING
26 PLATFORM WILL BE USED FOR SUCH COURT APPEARANCES SO LONG AS THE
27 PLATFORM IS ACCESSIBLE TO PERSONS WITH DISABILITIES.

1 (b) THE REQUIREMENTS OF SUBSECTION (1)(a) OF THIS SECTION DO
2 NOT APPLY WHEN A COURT PROCEEDING OCCURS IN A GEOGRAPHIC
3 LOCATION THAT IS IN AN UNSERVED AREA OF THE STATE, AS DEFINED IN
4 SECTION 40-15-102 (32).

5 (2) WHEN A COURT PROCEEDING OCCURS WITH THE USE OF A VIDEO
6 CONFERENCING PLATFORM, THE COURT SHALL ENSURE THAT A FULL
7 RECORD OF THE PROCEEDING IS MADE.

8 (3) THE SUPREME COURT SHALL PRESCRIBE RULES OF PROCEDURE
9 PURSUANT TO SECTIONS 13-2-108 AND 13-2-109 TO IMPLEMENT THIS
10 SECTION.

11 (4) BEGINNING EIGHT YEARS AFTER THE EFFECTIVE DATE OF THIS
12 SECTION, THE FAILURE OF ANY COURT TO COMPLY WITH THE
13 REQUIREMENTS OF THIS SECTION CONSTITUTES DISCRIMINATION ON THE
14 BASIS OF DISABILITY IN VIOLATION OF SECTION 24-34-802. ANY PERSON
15 WHO IS SUBJECTED TO A VIOLATION OF THIS SECTION IS ENTITLED TO SEEK
16 ALL RELIEF PROVIDED IN SECTION 24-34-802.

17 **SECTION 5.** In Colorado Revised Statutes, **add** part 16 to article
18 1 of title 29 as follows:

19 PART 16

20 ACCESSIBILITY OF LOCAL GOVERNMENT

21 **29-1-1601. Local public bodies - meetings - accessibility -**
22 **definitions.** (1) AS USED IN THIS PART 16, UNLESS THE CONTEXT
23 OTHERWISE REQUIRES:

24 (a) "LOCAL PUBLIC BODY" HAS THE SAME MEANING AS SET FORTH
25 IN SECTION 24-6-402 (1)(a).

26 (b) "PUBLIC MEETING" MEANS ANY MEETING HELD BY A LOCAL
27 PUBLIC BODY AT WHICH PUBLIC BUSINESS IS DISCUSSED, FORMAL ACTION

1 MAY BE TAKEN, OR RECOMMENDATIONS THAT MAY BE MADE TO THE
2 GOVERNING BODY OF A LOCAL PUBLIC BODY MAY BE DISCUSSED.

3 (2) EACH LOCAL PUBLIC BODY SHALL ENSURE THAT THE
4 ACCESSIBILITY REQUIREMENTS SPECIFIED IN THIS SECTION ARE
5 IMPLEMENTED TO ENSURE THE FULL AND EQUAL ENJOYMENT OF THE
6 LOCAL PUBLIC BODY BY PERSONS IN PROTECTED CLASSES, INCLUDING
7 PERSONS WITH DISABILITIES, AS REQUIRED BY SECTIONS 24-34-601 AND
8 24-34-802.

9 (3) (a) WITHIN SIX MONTHS OF THE EFFECTIVE DATE OF THIS
10 SECTION, ANY PUBLIC MEETING MUST BE ACCESSIBLE IN REAL TIME BY LIVE
11 STREAMING VIDEO OR AUDIO THAT IS RECORDED AND ACCESSIBLE TO
12 PERSONS WITH DISABILITIES.

13 (b) A LOCAL PUBLIC BODY MUST POST ON ITS WEBSITE ANY
14 DOCUMENTS THAT WILL BE DISTRIBUTED OR DISCUSSED DURING A PUBLIC
15 MEETING. A LOCAL PUBLIC BODY MUST POST SUCH DOCUMENTS AT LEAST
16 SEVEN DAYS BEFORE THE PUBLIC MEETING OR, IF POSTING THE DOCUMENTS
17 SEVEN DAYS BEFORE THE PUBLIC MEETING IS NOT POSSIBLE, AS SOON AS
18 PRACTICABLE BEFORE THE PUBLIC MEETING; EXCEPT THAT IF THE
19 DOCUMENTS ARE CONFIDENTIAL OR NOT AVAILABLE TO THE PUBLIC UNTIL
20 DISTRIBUTED OR DISCUSSED, A LOCAL PUBLIC BODY MUST POST THE
21 DOCUMENTS IN REAL TIME DURING THE PUBLIC MEETING. ANY
22 DOCUMENTS THAT A LOCAL PUBLIC BODY POSTS PURSUANT TO THIS
23 SUBSECTION (3)(b) MUST MEET CURRENT PREVAILING DOCUMENT AND
24 INTERNET ACCESSIBILITY STANDARDS AND MUST REMAIN AVAILABLE TO
25 THE PUBLIC ON THE LOCAL PUBLIC BODY'S WEBSITE FOR ON-DEMAND USE
26 IN THE SAME MANNER IN WHICH THE LOCAL PUBLIC BODY MAKES THE
27 WRITTEN RECORD OF THE MEETING AVAILABLE TO THE PUBLIC.

1 (c) A LOCAL PUBLIC BODY MAY, IN ITS DISCRETION, MAKE THE
2 VIDEO OR AUDIO RECORDING OF ANY PUBLIC MEETING AVAILABLE TO THE
3 PUBLIC FOR ON-DEMAND USE.

4 (4) (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4)(b) OF
5 THIS SECTION, WITHIN SIX MONTHS OF THE EFFECTIVE DATE OF THIS
6 SECTION, FOR ANY PUBLIC MEETING DURING WHICH THE LOCAL PUBLIC
7 BODY WILL HEAR PUBLIC TESTIMONY, THE LOCAL PUBLIC BODY MUST
8 ALLOW ANY PERSON TO PARTICIPATE IN THE PUBLIC MEETING AND OFFER
9 PUBLIC TESTIMONY BY USING A VIDEO CONFERENCING PLATFORM. THE
10 LOCAL PUBLIC BODY MUST ALLOW A PERSON TO PARTICIPATE IN THE
11 PUBLIC MEETING AND OFFER PUBLIC TESTIMONY BY USING A VIDEO
12 CONFERENCING PLATFORM WITHOUT REQUIRING OR REQUESTING AN
13 EXPLANATION OF THE NEED FOR THE USE OF THE VIDEO CONFERENCING
14 PLATFORM. THE LOCAL PUBLIC BODY MUST ENSURE THAT ANY INDIVIDUAL
15 SEEKING THE USE OF A VIDEO CONFERENCING PLATFORM TO PARTICIPATE
16 IN THE PUBLIC MEETING IS PROVIDED ACCESS TO THE PUBLIC MEETING BY
17 USE OF THE VIDEO CONFERENCING PLATFORM AT THE SAME TIMES AND
18 UPON THE SAME TERMS AS INDIVIDUALS WHO APPEAR AT THE PUBLIC
19 MEETING IN PERSON. IT IS IN A LOCAL PUBLIC BODY'S DISCRETION TO
20 DETERMINE WHICH VIDEO CONFERENCING PLATFORM WILL BE USED FOR
21 SUCH PARTICIPATION SO LONG AS THE PLATFORM IS ACCESSIBLE TO
22 PERSONS WITH DISABILITIES.

23 (b) THE REQUIREMENTS OF SUBSECTION (4)(a) OF THIS SECTION DO
24 NOT APPLY WHEN A PUBLIC MEETING OCCURS IN A GEOGRAPHIC LOCATION
25 THAT IS IN AN UNSERVED AREA OF THE STATE, AS DEFINED IN SECTION
26 40-15-102 (32).

27 (c) A LOCAL PUBLIC BODY THAT IS EXEMPT FROM THE

1 REQUIREMENTS OF SUBSECTION (4)(a) OF THIS SECTION SHALL USE AN
2 ALTERNATIVE TO A VIDEO CONFERENCING PLATFORM, SUCH AS A
3 TELEPHONE CONFERENCE CALL, TO ALLOW PARTICIPATION IN A PUBLIC
4 MEETING. THE ALTERNATIVE OPTION USED MUST BE ACCESSIBLE TO
5 PERSONS WITH DISABILITIES.

6 (5) (a) A LOCAL PUBLIC BODY MAY REQUIRE THAT A REQUEST FOR
7 AUXILIARY AIDS OR SERVICES TO ATTEND A PUBLIC MEETING OF THE
8 LOCAL PUBLIC BODY WITH THE USE OF THE VIDEO CONFERENCING
9 PLATFORM SELECTED BY THE LOCAL PUBLIC BODY PURSUANT TO
10 SUBSECTION (4)(a) OF THIS SECTION BE MADE UP TO SEVEN DAYS BEFORE
11 THE DATE OF THE PUBLIC MEETING FOR WHICH THE AUXILIARY AIDS OR
12 SERVICES ARE REQUESTED.

13 (b) A LOCAL PUBLIC BODY SHALL PROVIDE ANY AUXILIARY AIDS
14 OR SERVICES TIMELY REQUESTED PURSUANT TO SUBSECTION (5)(a) OF THIS
15 SECTION IN TIME FOR THE PUBLIC MEETING FOR WHICH THE AUXILIARY
16 AIDS OR SERVICES WERE REQUESTED WITHOUT REQUIRING OR REQUESTING
17 AN EXPLANATION OF THE NEED FOR THE AUXILIARY AIDS OR SERVICES. IF
18 A LOCAL PUBLIC BODY IS UNABLE TO PROVIDE TIMELY REQUESTED
19 AUXILIARY AIDS OR SERVICES IN TIME FOR THE PUBLIC MEETING FOR
20 WHICH THEY WERE REQUESTED, THE LOCAL PUBLIC BODY MUST POSTPONE
21 THE PUBLIC MEETING UNTIL IT IS ABLE TO PROVIDE THE REQUESTED
22 AUXILIARY AIDS OR SERVICES AND MUST DOCUMENT THE REASON FOR THE
23 ADDITIONAL TIME REQUIRED TO PROVIDE THE AUXILIARY AIDS OR
24 SERVICES.

25 (6) NOTHING IN THIS PART 16 SUPERSEDES OR NEGATES THE
26 REQUIREMENTS OF THE OPEN MEETINGS LAW, PART 4 OF ARTICLE 6 OF
27 TITLE 24, OR THE "COLORADO OPEN RECORDS ACT", ARTICLE 72 OF TITLE

1 24.

2 (7) THE FAILURE OF ANY LOCAL PUBLIC BODY TO COMPLY WITH
3 THE REQUIREMENTS OF THIS SECTION CONSTITUTES DISCRIMINATION ON
4 THE BASIS OF DISABILITY IN VIOLATION OF SECTION 24-34-802. ANY
5 PERSON WHO IS SUBJECTED TO A VIOLATION OF THIS SECTION IS ENTITLED
6 TO SEEK ALL RELIEF PROVIDED IN SECTION 24-34-802.

7 **SECTION 6.** In Colorado Revised Statutes, **add** 24-82-110 as
8 follows:

9 **24-82-110. State capitol building - accessibility requirements.**

10 (1) THE LEGISLATIVE DEPARTMENT, ACTING THROUGH THE EXECUTIVE
11 COMMITTEE OF THE LEGISLATIVE COUNCIL, SHALL STUDY AUDIO AND
12 WAY-FINDING PROGRAMS THAT WOULD ALLOW PERSONS WHO ARE BLIND
13 OR VISUALLY IMPAIRED TO INDEPENDENTLY NAVIGATE THE STATE CAPITOL
14 BUILDING. WITHIN FOUR YEARS OF THE EFFECTIVE DATE OF THIS SECTION,
15 TO THE EXTENT POSSIBLE, SUCH NAVIGATING OR WAY-FINDING PROGRAM
16 MUST BE AVAILABLE TO ANY PERSON WHO WORKS IN OR VISITS THE
17 CAPITOL BUILDING.

18 (2) THE FAILURE OF THE LEGISLATIVE DEPARTMENT TO COMPLY
19 WITH THE REQUIREMENTS OF THIS SECTION CONSTITUTES DISCRIMINATION
20 ON THE BASIS OF DISABILITY IN VIOLATION OF SECTION 24-34-802. ANY
21 PERSON WHO IS SUBJECTED TO A VIOLATION OF THIS SECTION IS ENTITLED
22 TO SEEK ALL RELIEF PROVIDED IN SECTION 24-34-802.

23 **SECTION 7.** In Colorado Revised Statutes, **add** part 14 to article
24 82 of title 24 as follows:

25 PART 14

26 ACCESSIBILITY OF STATE GOVERNMENT

27 **24-82-1401. State public bodies - meetings - accessibility -**

1 **definitions.** (1) AS USED IN THIS PART 14, UNLESS THE CONTEXT
2 OTHERWISE REQUIRES:

3 (a) "PUBLIC MEETING" MEANS ANY MEETING HELD BY A STATE
4 PUBLIC BODY AT WHICH PUBLIC BUSINESS IS DISCUSSED, FORMAL ACTION
5 MAY BE TAKEN, OR RECOMMENDATIONS THAT MAY BE MADE TO THE
6 GOVERNING BODY OF A STATE PUBLIC BODY MAY BE DISCUSSED.

7 (b) "STATE PUBLIC BODY" HAS THE SAME MEANING AS SET FORTH
8 IN SECTION 24-6-402 (1)(d).

9 (2) EACH STATE PUBLIC BODY SHALL ENSURE THAT THE
10 ACCESSIBILITY REQUIREMENTS SPECIFIED IN THIS SECTION ARE
11 IMPLEMENTED TO ENSURE THE FULL AND EQUAL ENJOYMENT OF THE STATE
12 PUBLIC BODY BY PERSONS IN PROTECTED CLASSES, INCLUDING PERSONS
13 WITH DISABILITIES, AS REQUIRED BY SECTIONS 24-34-601 AND 24-34-802.

14 (3) (a) WITHIN SIX MONTHS OF THE EFFECTIVE DATE OF THIS
15 SECTION, ANY PUBLIC MEETING MUST BE ACCESSIBLE IN REAL TIME BY LIVE
16 STREAMING VIDEO OR AUDIO THAT IS RECORDED AND ACCESSIBLE TO
17 PERSONS WITH DISABILITIES.

18 (b) A STATE PUBLIC BODY MUST POST ON ITS WEBSITE ANY
19 DOCUMENTS THAT WILL BE DISTRIBUTED OR DISCUSSED DURING A PUBLIC
20 MEETING. A STATE PUBLIC BODY MUST POST SUCH DOCUMENTS AT LEAST
21 SEVEN DAYS BEFORE THE PUBLIC MEETING OR, IF POSTING THE DOCUMENTS
22 SEVEN DAYS BEFORE THE MEETING IS NOT POSSIBLE, AS SOON AS
23 PRACTICABLE BEFORE THE MEETING; EXCEPT THAT IF THE DOCUMENTS ARE
24 CONFIDENTIAL OR NOT AVAILABLE TO THE PUBLIC UNTIL DISTRIBUTED OR
25 DISCUSSED, THE STATE PUBLIC BODY MUST POST THE DOCUMENTS IN REAL
26 TIME DURING THE PUBLIC MEETING. ANY DOCUMENTS THAT A STATE
27 PUBLIC BODY POSTS PURSUANT TO THIS SUBSECTION (3)(b) MUST MEET

1 CURRENT PREVAILING DOCUMENT AND INTERNET ACCESSIBILITY
2 STANDARDS AND MUST REMAIN AVAILABLE TO THE PUBLIC ON THE STATE
3 PUBLIC BODY'S WEBSITE FOR ON-DEMAND USE IN THE SAME MANNER IN
4 WHICH THE LOCAL STATE BODY MAKES THE WRITTEN RECORD OF THE
5 PUBLIC MEETING AVAILABLE TO THE PUBLIC.

6 (c) A STATE PUBLIC BODY MAY, IN ITS DISCRETION, MAKE THE
7 VIDEO OR AUDIO RECORDING OF ANY PUBLIC MEETING AVAILABLE TO THE
8 PUBLIC FOR ON-DEMAND USE.

9 (4) (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4)(b) OF
10 THIS SECTION, WITHIN SIX MONTHS OF THE EFFECTIVE DATE OF THIS
11 SECTION, FOR ANY PUBLIC MEETING DURING WHICH THE STATE PUBLIC
12 BODY WILL HEAR PUBLIC TESTIMONY, THE STATE PUBLIC BODY MUST
13 ALLOW ANY PERSON TO PARTICIPATE IN THE PUBLIC MEETING AND OFFER
14 PUBLIC TESTIMONY WITH THE USE OF A VIDEO CONFERENCING PLATFORM.
15 THE STATE PUBLIC BODY MUST ALLOW A PERSON TO PARTICIPATE IN THE
16 PUBLIC MEETING AND OFFER PUBLIC TESTIMONY BY USING A VIDEO
17 CONFERENCING PLATFORM WITHOUT REQUIRING OR REQUESTING AN
18 EXPLANATION OF THE NEED FOR THE USE OF THE VIDEO CONFERENCING
19 PLATFORM. THE STATE PUBLIC BODY MUST ENSURE THAT ANY INDIVIDUAL
20 SEEKING THE USE OF A VIDEO CONFERENCING PLATFORM TO PARTICIPATE
21 IN THE PUBLIC MEETING IS PROVIDED ACCESS TO THE PUBLIC MEETING BY
22 USE OF THE VIDEO CONFERENCING PLATFORM AT THE SAME TIMES AND
23 UPON THE SAME TERMS AS INDIVIDUALS WHO APPEAR AT THE MEETING IN
24 PERSON. IT IS IN A STATE PUBLIC BODY'S DISCRETION TO DETERMINE WHICH
25 VIDEO CONFERENCING PLATFORM WILL BE USED FOR SUCH PARTICIPATION
26 SO LONG AS THE PLATFORM IS ACCESSIBLE TO PERSONS WITH DISABILITIES.

27 (b) THE REQUIREMENTS OF SUBSECTION (4)(a) OF THIS SECTION DO

1 NOT APPLY WHEN A PUBLIC MEETING OF A STATE PUBLIC BODY OCCURS IN
2 A GEOGRAPHIC LOCATION THAT IS IN AN UNSERVED AREA OF THE STATE,
3 AS DEFINED IN SECTION 40-15-102 (32).

4 (c) A STATE PUBLIC BODY THAT IS EXEMPT FROM THE
5 REQUIREMENTS OF SUBSECTION (4)(a) OF THIS SECTION SHALL USE AN
6 ALTERNATIVE TO A VIDEO CONFERENCING PLATFORM, SUCH AS A
7 TELEPHONE CONFERENCE CALL, TO ALLOW PARTICIPATION IN A PUBLIC
8 MEETING. THE ALTERNATIVE OPTION USED MUST BE ACCESSIBLE TO
9 PERSONS WITH DISABILITIES.

10 (5) (a) A STATE PUBLIC BODY MAY REQUIRE THAT A REQUEST FOR
11 AUXILIARY AIDS OR SERVICES TO ATTEND A PUBLIC MEETING WITH THE USE
12 OF THE VIDEO CONFERENCING PLATFORM SELECTED BY THE STATE PUBLIC
13 BODY PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION, BE MADE UP TO
14 SEVEN DAYS BEFORE THE DATE OF THE PUBLIC MEETING FOR WHICH THE
15 AIDS OR SERVICES ARE REQUESTED.

16 (b) A STATE PUBLIC BODY SHALL PROVIDE ANY AUXILIARY AIDS OR
17 SERVICES TIMELY REQUESTED PURSUANT TO SUBSECTION (5)(a) OF THIS
18 SECTION IN TIME FOR THE PUBLIC MEETING FOR WHICH THE AUXILIARY
19 AIDS OR SERVICES WERE REQUESTED WITHOUT REQUIRING OR REQUESTING
20 AN EXPLANATION OF THE NEED FOR THE AUXILIARY AIDS AND SERVICES.
21 IF A STATE PUBLIC BODY IS UNABLE TO PROVIDE AUXILIARY AIDS OR
22 SERVICES IN TIME FOR THE PUBLIC MEETING FOR WHICH THEY WERE
23 TIMELY REQUESTED, THE STATE PUBLIC BODY MUST POSTPONE THE PUBLIC
24 MEETING UNTIL IT IS ABLE TO PROVIDE THE REQUESTED AUXILIARY AIDS
25 OR SERVICES AND MUST DOCUMENT THE REASON FOR THE ADDITIONAL
26 TIME REQUIRED TO PROVIDE THE AUXILIARY AIDS OR SERVICES.

27 (6) NOTHING IN THIS PART 14 SUPERSEDES OR NEGATES THE

1 REQUIREMENTS OF THE OPEN MEETINGS LAW, PART 4 OF ARTICLE 6 OF THIS
2 TITLE 24, OR THE "COLORADO OPEN RECORDS ACT", ARTICLE 72 OF THIS
3 TITLE 24.

4 (7) THE FAILURE OF ANY STATE PUBLIC BODY TO COMPLY WITH
5 THE REQUIREMENTS OF THIS SECTION CONSTITUTES DISCRIMINATION ON
6 THE BASIS OF DISABILITY IN VIOLATION OF SECTION 24-34-802. ANY
7 PERSON WHO IS SUBJECTED TO A VIOLATION OF THIS SECTION IS ENTITLED
8 TO SEEK ALL RELIEF PROVIDED IN SECTION 24-34-802.

9 **SECTION 8. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly; except
12 that, if a referendum petition is filed pursuant to section 1 (3) of article V
13 of the state constitution against this act or an item, section, or part of this
14 act within such period, then the act, item, section, or part will not take
15 effect unless approved by the people at the general election to be held in
16 November 2024 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor.