

Initiative 76: Citizenship Qualification of Voters

- 1 Initiative 76 proposes amending the Colorado Constitution to:
- 2 • specify that “only a citizen” of the United States rather than “every citizen”
- 3 of the United States is eligible to vote in Colorado elections.

4 **What Your Vote Means**

YES A "yes" vote on Initiative 76 will change constitutional language to specify that only U.S. citizens are eligible to participate in Colorado elections.

NO A "no" vote on Initiative 76 means the current constitutional language allowing every U.S. citizen to participate in Colorado elections will remain unchanged, and current election practices and legal requirements for voting will continue.

1 **Summary and Analysis for Initiative 76**

2 **What are the requirements to vote in Colorado?**

3 The Colorado Constitution and state law establish the eligibility of voters. Under
4 current law, a U.S. citizen may vote in Colorado if he or she is at least 18 years old,
5 has lived in the state at least 22 days immediately prior to the election, and has
6 registered to vote. The Colorado Constitution guarantees this right to every
7 U.S. citizen, but does not specifically prohibit extending the ability to vote to
8 noncitizens.

9 **What happens if Initiative 76 passes?**

10 Initiative 76 would allow only a U.S. citizen, who has met all other legal requirements,
11 to vote in an election. The measure has no immediate impact on Colorado elections,
12 and voting requirements regarding age, residency, and registration are unchanged
13 by the measure. Initiative 76 does not change current election law that excludes
14 noncitizens from voting.

15 Adoption of the measure will prevent the state and certain local governments from
16 extending voting rights to noncitizens in the future. The measure might not prohibit a
17 city or town with its own “home rule” charter from expanding voter eligibility, so long
18 as those voters will only participate in elections conducted by or for the home rule
19 city or town.¹

20 **What happens if Initiative 76 fails?**

21 The current constitutional language allowing every U.S. citizen who has met the
22 other legal requirements to vote in elections remains unchanged.

23 **Who is considered a U.S. citizen under the law?**

24 U.S. citizenship is governed by federal law, specifically the federal Immigration and
25 Nationality Act. Federal law allows a person to become a U.S. citizen if he or she:

- 26 • was born in the United States or certain territories or outlying possessions of the
27 United States;
- 28 • was born abroad but had a parent who was a U.S. citizen at the time of the
29 person’s birth; or
- 30 • applies for naturalization, which is the process by which U.S. citizenship is
31 granted to a foreign citizen or national after he or she fulfills the requirements
32 established by the U.S. Congress.

33 **How are Colorado elections conducted?**

34 Coloradans vote on a variety of offices and ballot questions at the local, state, and
35 federal level. Local government elections include school district, special district, city,
36 and county elections. Colorado holds a general election each November in
37 even-numbered years. Additional elections may be called at other times by a local
38 government for voters to vote on local matters.

¹Additional information on home rule cities and towns can be found in Legislative Council Publication xx here: *(Note a link to this publication will be added once it has been published later this year, but prior to the publication of the Blue Book)*

For information on those issue committees that support or oppose the measures on the ballot at the November 3, 2020, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information:

<http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html>

1 **Argument For Initiative 76**

- 2 1) Voting is a fundamental right reserved for U.S. citizens. Initiative 76 guarantees
3 that the state and most local governments will not be able to pursue policies in
4 the future that allow noncitizens to vote.

5 **Argument Against Initiative 76**

- 6 1) Initiative 76 makes an unnecessary and potentially divisive change. It weakens
7 local control and has no practical effect on how elections are carried out in
8 Colorado. The state already has a secure election system that ensures that only
9 those citizens meeting legal requirements can vote in elections.

10 **Estimate of Fiscal Impact**

- 11 An estimate of fiscal impact will be included in the second draft of this ballot analysis.