

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” of the
- 3 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 age 18 and older 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 vote in Colorado elections will remain unchanged.

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 voting rights to noncitizens or
8 those under age 18. For example, state law allows 17-year-olds to vote in primary
9 elections if they will be 18 years old by the general election.

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

11 Initiative 76 allows only U.S. citizens, who have met all other legal requirements, to
12 vote in elections. The measure has no immediate impact on voting requirements
13 related to residency and registration and does not change current election law that
14 excludes noncitizens from voting. However, under Initiative 76, 17-year-olds who are
15 currently able to vote in primary elections would no longer be eligible to do so.

16 Adoption of the measure prevents the state from extending voting rights to
17 noncitizens in the future, as well as to those under the age of 18. The measure does
18 not, however, prohibit a city or town with its own “home rule” charter from expanding
19 voter eligibility. In such a case, extension of voting rights to noncitizens or those
20 under age 18 would be limited to city matters such as city council elections and local
21 taxes.¹

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

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

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

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

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

35 **How are Colorado elections conducted?**

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

¹ Additional information on home rule cities and towns can be found in Legislative Council Publication Number 20-16 here:
<http://leg.colorado.gov/publications/home-rule-governance-colorado>.

1 cities and towns have the power to set the procedures for all matters pertaining to
2 city and town elections. All other elections are conducted pursuant to state laws.

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>

3 **Argument For Initiative 76**

4 1) Voting is a fundamental right reserved for U.S. citizens. Initiative 76 guarantees
5 that the state will not be able to pursue policies in the future that allow
6 noncitizens to vote. The measure exclusively specifies who can vote in Colorado
7 and provides additional constitutional protections for Colorado's elections.

8 **Argument Against Initiative 76**

9 1) Initiative 76 makes an unnecessary and potentially divisive change. The state
10 already has a secure election system that ensures only those who meet legal
11 requirements can vote in elections. Ultimately, the measure seeks to solve a
12 problem that does not exist, may result in voter confusion about state and local
13 elections, and could discourage and even disenfranchise voters.

14 **Estimate of Fiscal Impact**

15 The measure does not change the revenue, expenditures, or workload of any state
16 agency or local government, and is assessed as having no fiscal impact.