

CHAPTER 178

ELECTIONS

SENATE BILL 25-001

BY SENATOR(S) Gonzales J., Kolker, Michaelson Jenet, Roberts, Amabile, Ball, Bridges, Cutter, Danielson, Daugherty, Exum, Kipp, Rodriguez, Snyder, Sullivan, Wallace, Weissman, Winter F., Coleman;
also REPRESENTATIVE(S) Bacon and Joseph, Camacho, English, Mabrey, Ricks, Bird, Boesenecker, Brown, Carter, Clifford, Duran, Espenoza, Froelich, Garcia, Gilchrist, Hamrick, Jackson, Lieder, Lindsay, Lindstedt, Lukens, Marshall, Martinez, McCormick, Paschal, Rutinel, Sirota, Smith, Stewart K., Stewart R., Story, Titone, Valdez, Velasco, Willford, Zokaie, McCluskie.

AN ACT

CONCERNING THE ADMINISTRATION OF ELECTIONS, AND, IN CONNECTION THEREWITH, CREATING
THE COLORADO VOTING RIGHTS ACT AND MAKING AN APPROPRIATION.

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

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

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

(19.5) (a) "Identification" means:

(XIII) A valid identification card, WHICH NEED NOT CONTAIN A PHOTOGRAPH, THAT IS:

(A) Issued by a federally recognized tribal government, THE BUREAU OF INDIAN AFFAIRS, OR THE INDIAN HEALTH SERVICE; OR

(B) ISSUED BY ANY OTHER FEDERAL AGENCY ISSUING IDENTIFICATION certifying tribal membership AND THAT INCLUDES AN ADDRESS IN THE STATE; or

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

1-1-117. Party member access to methods of selecting candidates for the general election. EACH MAJOR POLITICAL PARTY SHALL ENSURE THAT ANY FUTURE ALTERNATIVE PROCESS BY WHICH A PARTY MAY SELECT CANDIDATES FOR THE

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.

GENERAL ELECTION, AS PROVIDED BY SECTION 1-4-702, INCLUDES A PROCESS FOR PARTY MEMBERS TO VOTE THAT DOES NOT REQUIRE A PARTY MEMBER TO CAST THEIR VOTE IN PERSON AND BY WHICH ELIGIBLE PARTY MEMBERS NOT ABLE TO ATTEND A NOMINATING ASSEMBLY OR CONVENTION, CONVENED AS PROVIDED BY SECTION 1-4-702, IN PERSON CAN PARTICIPATE TO THE SAME EXTENT AS THOSE VOTING IN PERSON.

SECTION 3. In Colorado Revised Statutes, 1-5-105, **amend** (1) as follows:

1-5-105. Restrictions. (1) No election-related activity may be conducted within one hundred feet of any building in which a polling location or drop-off location is located OR WITHIN ONE HUNDRED FEET OF A DROP BOX, except that of the conduct of the election at the polling location, ~~or~~ drop-off location, OR DROP BOX.

SECTION 4. In Colorado Revised Statutes, 1-5-102.9, **amend** (5)(e) as follows:

1-5-102.9. Voter service and polling centers - number required - services provided - drop-off locations - definition. (5) (e) For a general election, in addition to the requirements of subsection (5)(a) of this section, at the request of the tribal council of an Indian tribe located on a federal reservation whose headquarters are within the county's boundaries, a county shall establish a ~~drop-off location~~ DROP BOX within the boundaries of the reservation. The ~~drop-off location~~ DROP BOX must accept ballots for the fifteen-day period prior to and including the day of the election.

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

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

(2.7) "COVERED ENTITY" MEANS:

- (a) AN ADULT DAY CARE FACILITY, AS DEFINED IN SECTION 25.5-6-303 (1);
- (b) AN ALTERNATIVE CARE FACILITY, AS DEFINED IN SECTION 25.5-6-303 (3);
- (c) AN ASSISTED LIVING RESIDENCE, AS DEFINED IN SECTION 25-27-102 (1.3);
- (d) A COMMUNITY RESIDENTIAL HOME, AS DEFINED IN SECTION 25.5-10-202 (5);
- (e) AN INTERMEDIATE NURSING FACILITY FOR PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, AS DEFINED IN SECTION 25.5-4-103 (9);
- (f) A NURSING FACILITY, AS DEFINED IN SECTION 25.5-4-103 (14); OR
- (g) A STATE-RUN PSYCHIATRIC HOSPITAL OR MENTAL HEALTH INSTITUTE OPERATED BY THE DEPARTMENT OF HUMAN SERVICES CREATED IN SECTION 26-1-105.

SECTION 6. In Colorado Revised Statutes, **add** 1-5-707 as follows:

1-5-707. Voting notice required - covered entities. (1) A COVERED ENTITY SHALL PUBLICLY DISPLAY AT LEAST ONE NOTICE IN EACH BUILDING THAT IT OCCUPIES AND IN WHICH IT SERVES CLIENTS.

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

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

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

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

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

(e) BE WRITTEN IN PLAIN LANGUAGE; AND

(f) BE AVAILABLE IN ALTERNATE ACCESSIBLE FORMATS.

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

SECTION 7. In Colorado Revised Statutes, 1-7-110, **amend** (5) as follows:

1-7-110. Preparing to vote in person. (5) An eligible elector who does not reside within the county but wishes to vote at a polling location is entitled to receive a ~~mail~~ ballot or replacement ~~mail~~ ballot that contains the names of candidates for statewide federal and state offices and statewide ballot issues and ballot questions. The secretary of state shall certify the content of the ballot to the county clerk and recorder.

SECTION 8. In Colorado Revised Statutes, 1-13-714, **amend** (1)(a) as follows:

1-13-714. Electioneering - removing and return of ballot - definition. (1) (a) ~~No~~ A person shall NOT do any electioneering on the day of any election, or during the time when voting is permitted for any election, within any polling location or in any public street or room or in any public manner within one hundred feet of any building in which a polling location OR DROP-OFF LOCATION is located, as publicly posted by the designated election official, OR WITHIN ONE HUNDRED FEET OF A DROP BOX.

SECTION 9. In Colorado Revised Statutes, 1-10.5-102, **amend** (3)(a)(III) as follows:

1-10.5-102. Recounts for congressional, state, and district offices, state ballot questions, and state ballot issues. (3) (a) Prior to any recount, the canvass board

shall choose at random and test at least one ballot scanner that will be used in the candidate race, ballot issue, or ballot question that is the subject of the recount. The purpose of the test is to ensure that the voting system accurately tabulates votes in the recounted contest. To conduct the test, the county must prepare and tabulate the following groups of ballots:

(III) For a mandatory recount, ~~a EACH CANVASS BOARD MEMBER, OTHER THAN THE CLERK, SHALL SEPARATELY MARK THEIR OWN group of ballots consisting of ten TEST ballots with the recount contest. marked by at least two canvass board members of different party affiliations.~~

SECTION 10. In Colorado Revised Statutes, 1-10.5-107, **amend** (1), (2), (3), and (4) as follows:

1-10.5-107. Conducting a recount. (1) Any county clerk and recorder ~~or governing body~~ required to conduct a recount shall arrange ~~to have the recount made by~~ FOR the canvass board who officiated in certifying the official abstract of votes cast TO OBSERVE THE CONDUCT OF THE RECOUNT. If any member of the canvass board cannot ~~participate in~~ BE PRESENT FOR the recount, another person shall be appointed in the manner provided by law for appointment of the members of the original board.

(2) ~~Any canvass board making~~ A COUNTY CLERK AND RECORDER CONDUCTING a recount ~~under the provisions of this section may~~ SHALL employ assistants, ~~and~~ clerks, AND ELECTION JUDGES as necessary for the conduct of the recount. THE CLERK AND RECORDER SHALL EMPLOY A BIPARTISAN TEAM OF ELECTION JUDGES TO DETERMINE ISSUES OF VOTER INTENT IN ACCORDANCE WITH RULES ADOPTED BY THE SECRETARY OF STATE. IF THE BIPARTISAN TEAM OF ELECTION JUDGES CANNOT MAKE A UNANIMOUS DECISION REGARDING AN ISSUE OF VOTER INTENT, THE CANVASS BOARD SHALL, BY MAJORITY VOTE, MAKE SUCH DETERMINATION.

(3) The canvass board ~~may require the production of any documentary evidence regarding any vote cast or counted and~~ may correct the abstract of votes cast, ~~in accordance with its findings based on the evidence presented~~ SHOULD A DISCREPANCY IN THE VOTE TABULATION BE DISCOVERED DURING THE RECOUNT.

(4) At the conclusion of the recount, the ~~canvass board~~ COUNTY CLERK AND RECORDER shall make the returns of all partisan, nonpartisan, ballot issue, and ballot question elections to the ~~designated election official~~ CANVASS BOARD and provide a copy to the persons or groups requesting the recount or notified of the recount pursuant to sections 1-10.5-105 and 1-10.5-106. The canvass board shall meet and issue an amended abstract of votes cast for the office, ballot issue, or ballot question that is the subject of the recount and deliver it to the designated election official.

SECTION 11. In Colorado Revised Statutes, **add** article 47 to title 1 as follows:

ARTICLE 47

Colorado Voting Rights Act

PART 1

VOTING RIGHTS

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

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

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

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

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

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

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

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

(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.

(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).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1-47-105. Prohibition on voter suppression. A POLITICAL SUBDIVISION SHALL NOT ACT IN A MANNER THAT RESULTS IN, WILL RESULT IN, OR IS INTENDED TO RESULT IN A MATERIAL DISPARITY BETWEEN MEMBERS OF A PROTECTED CLASS AND OTHER ELIGIBLE ELECTORS IN REGARD TO VOTER PARTICIPATION, ACCESS TO VOTING OPPORTUNITIES, OR THE OPPORTUNITY OR ABILITY TO PARTICIPATE IN THE POLITICAL PROCESS. A VIOLATION OF THIS SECTION IS ESTABLISHED PURSUANT TO SECTION 1-47-204.

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

(2) A VIOLATION OF THIS SECTION OCCURS WHEN:

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

(II) BASED ON THE TOTALITY OF THE CIRCUMSTANCES, THE EQUAL OPPORTUNITY

OR ABILITY OF MEMBERS OF A PROTECTED CLASS TO NOMINATE OR ELECT THE CANDIDATES OF THEIR CHOICE IS DISPARATELY IMPAIRED; AND

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

1-47-107. Prohibition on voting prerequisites based on gender identity, gender expression, or sexual orientation. A POLITICAL SUBDIVISION SHALL NOT IMPLEMENT, IMPOSE, OR ENFORCE A QUALIFICATION FOR ELIGIBILITY TO BE AN ELECTOR OR ANOTHER PREREQUISITE TO VOTING BASED ON AN INDIVIDUAL'S ACTUAL OR PERCEIVED GENDER IDENTITY, GENDER EXPRESSION, OR SEXUAL ORIENTATION.

1-47-108. Prohibition on additional voting prerequisites and burdens based on confinement in local jail. (1) A POLITICAL SUBDIVISION SHALL NOT IMPLEMENT, IMPOSE, OR ENFORCE AN ADDITIONAL QUALIFICATION FOR ELIGIBILITY TO BE AN ELECTOR OR ANOTHER PREREQUISITE TO VOTING BASED ON AN INDIVIDUAL'S CONFINEMENT TO A LOCAL JAIL, AS DEFINED IN SECTION 17-1-102 (7).

(2) A POLITICAL SUBDIVISION SHALL NOT IMPOSE UNNECESSARY BURDENS ON AN ELECTOR'S ACCESS TO ELECTION INFORMATION, VOTER REGISTRATION, OR A BALLOT BASED ON THAT ELECTOR'S CONFINEMENT TO A LOCAL JAIL, AS DEFINED IN SECTION 17-1-102 (7).

(3) NOTHING IN THIS SECTION AFFECTS THE EXISTING QUALIFICATIONS FOR ELIGIBILITY AS DESCRIBED IN SECTIONS 1-2-103 (4) AND 31-10-201 (3).

PART 2 ENFORCEMENT OF VOTING RIGHTS

1-47-201. Enforcement of voting rights act - civil action - attorney general powers - priority on court calendar. (1) (a) AN AGGRIEVED PERSON MAY BRING A CIVIL ACTION ALLEGING A VIOLATION OF SECTION 1-47-105, 1-47-106, 1-47-107, OR 1-47-108. THE AGGRIEVED PERSON MAY FILE SUIT IN THE DISTRICT COURT FOR THE JUDICIAL DISTRICT WHERE THE ALLEGED VIOLATION OCCURRED OR IN THE DENVER DISTRICT COURT.

(b) AN AGGRIEVED PERSON THAT MAY BRING SUIT PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION INCLUDES:

(I) AN INDIVIDUAL;

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

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

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

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

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

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

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

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

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

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

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

(2) AN AGGRIEVED PERSON OR THE ATTORNEY GENERAL MAY BRING A CIVIL ACTION AGAINST A POLITICAL SUBDIVISION PURSUANT TO SECTION 1-47-201 WITHOUT FIRST SENDING THE NOTIFICATION LETTER REQUIRED BY SUBSECTION (1)(a) OF THIS SECTION IF:

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

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

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

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

(b) A RESOLUTION MUST:

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

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

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

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

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

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

(3) (a) IF A POLITICAL SUBDIVISION ADOPTS A RESOLUTION, THE POLITICAL SUBDIVISION SHALL IMPLEMENT THE IDENTIFIED SOLUTION WITHIN NINETY CALENDAR DAYS AFTER THE PASSAGE OF THE RESOLUTION; EXCEPT THAT, IF THE IDENTIFIED SOLUTION REQUIRES AN ELECTION IN THE POLITICAL SUBDIVISION, THE POLITICAL SUBDIVISION SHALL IMPLEMENT THE IDENTIFIED SOLUTION WITHIN ONE HUNDRED EIGHTY CALENDAR DAYS AFTER THE PASSAGE OF THE RESOLUTION.

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

(II) AN AGGRIEVED PERSON SHALL MAKE THE DEMAND FOR REIMBURSEMENT IN WRITING AND SHALL SUBSTANTIATE THE DEMAND WITH FINANCIAL

DOCUMENTATION, SUCH AS A DETAILED INVOICE FOR DEMOGRAPHY SERVICES OR FOR THE ANALYSIS OF VOTING PATTERNS IN THE POLITICAL SUBDIVISION. A POLITICAL SUBDIVISION MAY REQUEST ADDITIONAL DOCUMENTATION IF THE PROVIDED DOCUMENTATION IS INSUFFICIENT TO CORROBORATE THE CLAIMED COSTS.

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

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

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

1-47-204. Prima facie case - voter suppression. (1) (a) AN AGGRIEVED PERSON OR THE ATTORNEY GENERAL BRINGING A CIVIL ACTION AGAINST A POLITICAL SUBDIVISION PURSUANT TO SECTION 1-47-201 THAT ALLEGES A VIOLATION OF SECTION 1-47-105 ESTABLISHES A PRIMA FACIE CASE OF VOTER SUPPRESSION IF THE PERSON SHOWS, BY A PREPONDERANCE OF THE EVIDENCE, THAT THE CHALLENGED ACTION RESULTS IN, WILL RESULT IN, OR IS INTENDED TO RESULT IN A MATERIAL DISPARITY BETWEEN MEMBERS OF A PROTECTED CLASS AND OTHER ELIGIBLE ELECTORS IN REGARD TO VOTER PARTICIPATION, ACCESS TO VOTING OPPORTUNITIES, OR THE OPPORTUNITY OR ABILITY TO PARTICIPATE IN THE POLITICAL PROCESS.

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

(c) IF THE POLITICAL SUBDIVISION MEETS ITS BURDEN AS DESCRIBED IN SUBSECTION (1)(b) OF THIS SECTION, THE CHALLENGED ACTION MAY NONETHELESS BE HELD INVALID IF THE AGGRIEVED PERSON OR THE ATTORNEY GENERAL DEMONSTRATES BY A PREPONDERANCE OF THE EVIDENCE THAT THE POLITICAL SUBDIVISION COULD COMPARABLY FURTHER THE IDENTIFIED IMPORTANT, PARTICULARIZED GOVERNMENTAL INTEREST THROUGH AN ALTERNATIVE POLICY

THAT RESULTS IN A SMALLER DISPARITY BETWEEN MEMBERS OF A PROTECTED CLASS AND OTHER ELIGIBLE ELECTORS.

1-47-205. Factors in determining voter dilution. (1) (a) IN DETERMINING WHETHER A CHALLENGED METHOD OF ELECTION EXHIBITS POLARIZED VOTING FOR PURPOSES OF SECTION 1-47-106 (2)(a)(I), A COURT:

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

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

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

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

(A) ELECTIONS FOR OFFICES OF THE POLITICAL SUBDIVISION;

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

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

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

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

(II) NONSTATISTICAL OR NONQUANTITATIVE EVIDENCE OF NONPOLARIZED VOTING, WHERE ALLEGATIONS OF POLARIZED VOTING ARE BASED ON QUANTITATIVE OR STATISTICAL EVIDENCE; OR

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) IF A PROVISION OF LAW OTHER THAN THIS ARTICLE 47 WOULD PRECLUDE AN OTHERWISE APPROPRIATE REMEDY, THE COURT MAY NONETHELESS ORDER A POLITICAL SUBDIVISION TO IMPLEMENT THE REMEDY THAT IS INCONSISTENT WITH THAT PROVISION OF LAW.

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

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

1-47-207. Attorney general enforcement. ENFORCEMENT BY THE ATTORNEY GENERAL OF THIS ARTICLE 47 OR RELATED LEGAL ACTIONS ARE BROUGHT SOLELY AT THE ATTORNEY GENERAL'S DISCRETION ON BEHALF OF THE STATE. ACTIONS

BROUGHT BY THE ATTORNEY GENERAL PURSUANT TO THIS ARTICLE ⁴⁷ ARE BROUGHT UNDER THE ATTORNEY GENERAL'S OWN AUTHORITY AND NOT ON BEHALF OF THE SECRETARY OF STATE.

PART 3 STATEWIDE ELECTION INFORMATION

1-47-301. Election data collection and maintenance. (1) (a) THE SECRETARY OF STATE SHALL COLLECT AND MAINTAIN THE FOLLOWING DATA IN AN ELECTRONIC FORMAT:

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

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

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

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

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

1-47-302. Submission of election data by political subdivisions. (1) AFTER THE CERTIFICATION OF AN ELECTION OF ANY POLITICAL SUBDIVISION, THE ENTITY RESPONSIBLE FOR ADMINISTERING THE ELECTION SHALL SUBMIT TO THE SECRETARY OF STATE THE FOLLOWING INFORMATION IN AN ACCESSIBLE AND APPROPRIATE FORMAT AS DETERMINED BY THE SECRETARY OF STATE:

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

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

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

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

(4) THE SECRETARY OF STATE SHALL PROVIDE ADEQUATE TECHNOLOGICAL SECURITY MEASURES TO PREVENT UNAUTHORIZED ACCESS TO VOTER-RELATED RECORDS AND SHALL ESTABLISH ADEQUATE AND REASONABLE TECHNOLOGICAL SECURITY REQUIREMENTS FOR THE EXCHANGE OR TRANSFER OF DATA.

SECTION 12. In Colorado Revised Statutes, 24-31-101, **amend** (1)(i)(XXII) and (1)(i)(XXIII); and **add** (1)(i)(XXVII) as follows:

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

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

(XXII) Part 14 of article 12 of title 38; ~~and~~

(XXIII) Section 24-34-806; AND

(XXVII) THE "COLORADO VOTING RIGHTS ACT", ARTICLE 47 OF TITLE 1.

SECTION 13. In Colorado Revised Statutes, 24-72-204, **repeal** (2)(a)(VI); and **add** (3)(a)(XXVI) as follows:

24-72-204. Allowance or denial of inspection - grounds - procedure - appeal - definitions - repeal. (2) (a) The custodian may deny the right of inspection of the following records, unless otherwise provided by law, on the ground that disclosure to the applicant would be contrary to the public interest:

~~(VI) Records and information relating to the identification of persons filed with, maintained by, or prepared by the department of revenue pursuant to section 42-2-121, C.R.S.;~~

(3) (a) The custodian shall deny the right of inspection of the following records, unless otherwise provided by law; except that the custodian shall make any of the following records, other than letters of reference concerning employment, licensing, or issuance of permits, available to the person in interest in accordance with this subsection (3):

(XXVI) RECORDS AND INFORMATION RELATING TO THE IDENTIFICATION OF PERSONS FILED WITH, MAINTAINED BY, OR PREPARED BY THE DEPARTMENT OF REVENUE PURSUANT TO SECTION 42-2-121.

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

PART 16
MULTILINGUAL BALLOT ACCESS

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

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

(b) BASED ON THE 2023 FIVE-YEAR ESTIMATES SPECIFIED IN THE UNITED STATES BUREAU OF THE CENSUS AMERICAN COMMUNITY SURVEY, THERE ARE ONE HUNDRED TWENTY-THREE THOUSAND SIX HUNDRED FIFTY-SEVEN ELIGIBLE ELECTORS IN COLORADO WHO SPEAK ENGLISH "LESS THAN VERY WELL". AS OF THE 2024 GENERAL ELECTION, AN ESTIMATED ONE HUNDRED FIVE THOUSAND FOUR HUNDRED EIGHTY-FOUR OF THOSE ELIGIBLE ELECTORS LIVE WITHIN A COUNTY THAT IS COVERED BY THE MULTILINGUAL BALLOT REQUIREMENTS OF HOUSE BILL 21-1011, ENACTED IN 2021. OUT OF AN ESTIMATED ONE HUNDRED THIRTY-ONE MUNICIPALITIES THAT EXIST WHOLLY OR PARTIALLY IN A COVERED COUNTY, AN ESTIMATED FIFTY-EIGHT MUNICIPALITIES COORDINATE THEIR ELECTIONS WITH THE COUNTY AND ELECTORS RECEIVE MULTILINGUAL BALLOT ACCESS. THE ESTIMATED REMAINING SEVENTY-THREE MUNICIPALITIES HOLD ELECTIONS INDEPENDENTLY AND THE ABILITY FOR ELECTORS TO ACCESS MINORITY LANGUAGE BALLOTS IS CONTINGENT ON THE MUNICIPALITY INDEPENDENTLY OFFERING THESE RESOURCES.

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

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

(e) COLORADO AGAIN HAS AN OPPORTUNITY TO MAKE THE BALLOT ACCESSIBLE TO MORE ELIGIBLE ELECTORS AND PROVIDE THEM WITH MEANINGFUL ACCESS BY EXPANDING MINORITY LANGUAGE BALLOT ACCESS BEYOND FEDERAL REQUIREMENTS AND THOSE ENACTED IN HOUSE BILL 21-1011.

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

(a) ENSURE MINORITY LANGUAGE BALLOT ACCESS FOR ELECTORS IN

MUNICIPALITIES THAT ARE WHOLLY OR PARTIALLY IN COUNTIES COVERED BY THE REQUIREMENTS OF HOUSE BILL 21-1011; AND

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

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

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

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

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

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

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

31-10-1603. Multilingual ballot access - general provisions - clerks. (1) IF A MUNICIPALITY EXISTS PARTIALLY OR WHOLLY WITHIN A COUNTY COVERED BY THE MULTILINGUAL BALLOT REQUIREMENTS OF SECTION 1-5-905 (1) AND THE MUNICIPALITY HAS A POPULATION OF AT LEAST THREE THOUSAND PEOPLE, A CLERK IS REQUIRED TO PROVIDE MULTILINGUAL BALLOT ACCESS IN ONE OF THE FOLLOWING WAYS FOR ANY MUNICIPAL ELECTION HELD ON OR AFTER JANUARY 1, 2027:

(a) ENSURING THAT EACH BALLOT AND SAMPLE BALLOT INCLUDES ALL BALLOT CONTENT IN ENGLISH AND ALL BALLOT CONTENT FULLY TRANSLATED INTO ANY MINORITY LANGUAGE FOR WHICH A MINORITY LANGUAGE SAMPLE OR IN-PERSON BALLOT IS REQUIRED PURSUANT TO SECTION 1-5-906 FOR THE COUNTY IN WHICH THE MUNICIPALITY PARTIALLY OR WHOLLY EXISTS; OR

(b) CREATING A MINORITY LANGUAGE SAMPLE BALLOT PURSUANT TO SECTION 31-10-1604 AND PROVIDING AN IN-PERSON MINORITY LANGUAGE BALLOT PURSUANT TO SECTION 31-10-1605.

(2) THE CLERK SHALL ENSURE THAT ANY TRANSLATION PROVIDED AS REQUIRED BY THIS PART 16 IS PERFORMED BY ONE OR MORE QUALIFIED TRANSLATORS.

31-10-1604. Minority language sample ballots - clerks - mail ballot elections.

(1) UNLESS A CLERK PROVIDES MULTILINGUAL BALLOT ACCESS PURSUANT TO SECTION 31-10-1603 (1)(a), THE CLERK OF ANY MUNICIPALITY THAT SATISFIES THE CRITERIA SPECIFIED IN SECTION 31-10-1603 (1) SHALL CREATE A MINORITY LANGUAGE SAMPLE BALLOT IN ANY MINORITY LANGUAGE FOR WHICH A MINORITY LANGUAGE SAMPLE BALLOT IS REQUIRED PURSUANT TO SECTION 1-5-906 FOR THE COUNTY IN WHICH THE MUNICIPALITY PARTIALLY OR WHOLLY EXISTS.

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

(3) THE CLERK SHALL MAKE THE MINORITY LANGUAGE SAMPLE BALLOT AVAILABLE AND ACCESSIBLE TO ELECTORS ON THE MUNICIPALITY'S WEBSITE AND AT POLLING PLACES MUNICIPALITY-WIDE, IF USED. FOR AN ELECTION USING MAIL BALLOTS, THE CLERK SHALL NOTIFY ALL QUALIFIED ELECTORS IN THE MUNICIPALITY VIA THE MAIL BALLOT PACKET AND IN EACH LANGUAGE IN WHICH A MINORITY LANGUAGE SAMPLE BALLOT WILL BE CREATED THAT A MINORITY LANGUAGE SAMPLE BALLOT IS AVAILABLE.

31-10-1605. In-person minority language ballot - clerks - polling places.

(1) UNLESS A CLERK PROVIDES MULTILINGUAL BALLOT ACCESS PURSUANT TO SECTION 31-10-1603 (1)(a), THE CLERK OF ANY MUNICIPALITY THAT SATISFIES THE CRITERIA SPECIFIED IN SECTION 31-10-1603 (1) SHALL ENSURE THAT AT LEAST ONE PUBLICLY ACCESSIBLE LOCATION IN THE MUNICIPALITY IS EQUIPPED TO PROVIDE, UPON THE REQUEST OF A QUALIFIED ELECTOR, AN IN-PERSON MINORITY LANGUAGE BALLOT IN ANY MINORITY LANGUAGE FOR WHICH A MINORITY LANGUAGE BALLOT IS REQUIRED PURSUANT TO SECTION 1-5-906 FOR THE COUNTY IN WHICH THE MUNICIPALITY PARTIALLY OR WHOLLY EXISTS. IF THE MUNICIPALITY ESTABLISHES A POLLING PLACE FOR AN ELECTION, THE CLERK SHALL ENSURE THAT THE POLLING PLACE IS EQUIPPED TO PROVIDE, UPON THE REQUEST OF A VOTER, AN IN-PERSON MINORITY LANGUAGE BALLOT.

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

(3) FOR AN ELECTION USING MAIL BALLOTS, THE CLERK SHALL NOTIFY ALL QUALIFIED ELECTORS IN THE MUNICIPALITY VIA THE MAIL BALLOT PACKET AND IN EACH LANGUAGE IN WHICH THE IN-PERSON MINORITY LANGUAGE BALLOT OPTION WILL BE AVAILABLE THAT ELECTORS MAY REQUEST AN IN-PERSON MINORITY LANGUAGE BALLOT AND WHERE THE ELECTOR MAY REQUEST THE IN-PERSON MINORITY LANGUAGE BALLOT.

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

SECTION 15. Appropriation. (1) For the 2025-26 state fiscal year, \$75,432 is appropriated to the department of state for use by the elections division. This

appropriation is from the department of state cash fund created in section 24-21-104 (3)(b), C.R.S. To implement this act, the division may use this appropriation as follows:

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

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

SECTION 16. Act subject to petition - effective date - applicability. (1) 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 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to elections and election-related activities occurring on or after January 1, 2026.

Approved: May 12, 2025