

Amendment 76: Citizenship Qualification of Voters

- 1 **Amendment 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
Amendment 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
Amendment 76 means the
current constitutional
language allowing every U.S. citizen to
vote in Colorado elections will remain
unchanged.

1 **Summary and Analysis for Amendment 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 eligibility to
8 noncitizens or those under age 18. For example, state law allows 17-year-olds to
9 vote in primary elections if they will be 18 years old by the general election.

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

11 Amendment 76 allows only U.S. citizens who have met all other legal requirements
12 to vote in elections. Adoption of the measure prevents the state from extending voter
13 eligibility to noncitizens in the future, as well as to those under the age of 18.
14 However, it is unclear if the measure prohibits a city or town with its own “home rule”
15 charter from expanding voter eligibility, and ultimately the courts may have to decide
16 how the measure is applied to elections in home rule cities and towns.¹

17 The measure has no immediate impact on voting requirements related to residency
18 and registration and does not change current election law that excludes noncitizens
19 from voting. However, under Amendment 76, 17-year-olds who are currently able to
20 vote in primary elections will no longer be eligible to do so.

21 **What happens if Amendment 76 fails?**

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

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

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

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

34 **How are Colorado elections conducted?**

35 Coloradans vote on a variety of offices and ballot questions at the local, state, and
36 federal level. Local government elections include school district, special district, city,
37 and county elections. Colorado holds a general election each November in
38 even-numbered years. Additional elections may be called at other times, for
39 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 Amendment 76**

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

9 **Argument Against Amendment 76**

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

15 **Estimate of Fiscal Impact for Amendment 76**

16 **No fiscal impact.** Amendment 76 does not change the revenue, spending, or
17 workload of any state agency or local government, and is assessed as having no
18 fiscal impact.