

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 25-0079.01 Rebecca Bayetti x4348

SENATE BILL 25-001

SENATE SPONSORSHIP

Gonzales J., Kolker, Michaelson Jenet, Roberts

HOUSE SPONSORSHIP

Bacon and Joseph, Camacho, English, Mabrey, Ricks

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE ADMINISTRATION OF ELECTIONS, AND, IN**
102 **CONNECTION THEREWITH, CREATING THE COLORADO VOTING**
103 **RIGHTS ACT.**

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 creates the Colorado Voting Rights Act (act) and modifies certain election-related statutes in 4 areas:

- Election and voting statutes related to Indian tribes;
- Voting-related services for individuals with disabilities;
- Election-related language access; and

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.*

- Election-related data collection.

Creation of the act. The bill creates the act, which prohibits political subdivisions from:

- Taking any action that results in or is intended to result in a material disparity between electors who are members of a protected race, color, or language minority group or other minority reporting group (protected class members) and other eligible electors in regard to voter participation, access to voting opportunities, or the opportunity or ability to participate in the political process (voter suppression);
- Enacting or employing any method of election that has the effect of, or is motivated in part by the intention of, disparately impairing the opportunity or ability of protected class members to participate in the political process, elect the candidates of their choice, or otherwise influence the outcome of elections (voter dilution); or
- Implementing, imposing, or enforcing a voting qualification or another prerequisite to voting based on an individual's actual or perceived gender identity, gender expression, or sexual orientation.

An aggrieved individual or organization may file a civil suit alleging voter suppression, voter dilution, or an unlawful voting prerequisite based on gender identity, gender expression, or sexual orientation. The attorney general may investigate potential violations of the act and may file suit to enforce the act or may intervene in an aggrieved individual's or organization's civil suit.

Election and voting statutes related to Indian tribes. The bill clarifies provisions related to voter registration and election access for Indian tribes, including valid identification for registration purposes and the requirements for voter service and polling centers and ballot drop-off locations on Indian reservations.

Voting-related services for individuals with disabilities. The bill imposes a requirement on covered entities, defined as entities that provide state-funded services primarily to individuals with disabilities, to publicly display notices related to voting in advance of statewide general and primary elections.

Election-related language access. The bill expands existing requirements for the creation of multilingual ballots from only applying to qualifying counties to also applying to qualifying municipalities, based on the population or percentage of the voting-age population within the relevant jurisdiction who are minority language speakers and speak English less than very well.

Election-related data collection. The bill creates the statewide election database and information office (office) in the department of state. The office collects and maintains data related to elections, including

demographics, election results, and voting information, which the office is required to make publicly available. After each election, political subdivisions are required to submit election-related information to the office. The office also provides assistance to political subdivisions, researchers, and members of the public related to the data it maintains, in addition to providing data to the attorney general for purposes of investigating potential violations of the act.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-1-104, **amend**
3 (19.5)(a)(XIII) as follows:

4 **1-1-104. Definitions.** As used in this code, unless the context
5 otherwise requires:

6 (19.5) (a) "Identification" means:

7 (XIII) A valid identification card issued by a federally recognized
8 tribal government, THE BUREAU OF INDIAN AFFAIRS, THE INDIAN HEALTH
9 SERVICE, OR ANY OTHER TRIBAL OR FEDERAL AGENCY ISSUING
10 IDENTIFICATION certifying tribal membership, REGARDLESS OF WHETHER
11 THE IDENTIFICATION CARD CONTAINS A PHOTOGRAPH OR RESIDENTIAL
12 ADDRESS OF THE ELECTOR; or

13 **SECTION 2.** In Colorado Revised Statutes, 1-2-203, **amend** (2)
14 as follows:

15 **1-2-203. Registration on Indian reservations.** (2) An eligible
16 elector who lives on an Indian reservation, but who does not have a
17 residence address recognized by the United States postal service, may
18 register to vote using, as ~~his or her~~ THE ELECTOR'S residence address, the
19 address of the tribal council headquarters or any other address approved
20 by the secretary of the tribal council. IF REQUESTED BY THE TRIBAL
21 COUNCIL, THE SECRETARY OF THE TRIBAL COUNCIL SHALL APPROVE AT
22 LEAST ONE SUCH ADDRESS IN EACH PRECINCT ON THE RESERVATION.

1 **SECTION 3.** In Colorado Revised Statutes, 1-5-102.9, **amend**
2 (1)(b.7) and (5)(e) as follows:

3 **1-5-102.9. Voter service and polling centers - number required**
4 **- services provided - drop-off locations - definition.** (1) (b.7) For a
5 general election, at the request of the tribal council of an Indian tribe
6 located on a federal reservation whose headquarters are within the
7 county's boundaries, a county clerk and recorder shall designate a voter
8 service and polling center within the boundaries of the reservation. The
9 tribal council may request ~~either two or four days of in-person voting at~~
10 ~~a voter service and polling center within the boundaries of the reservation~~
11 ~~Two days of in-person voting include the day before election day and~~
12 ~~election day. Four days of in-person voting include the day before~~
13 ~~election day, election day, and the Friday and Saturday prior to election~~
14 ~~day~~ FOR ELECTION DAY AND ANY NUMBER OF DAYS DURING THE
15 FIFTEEN-DAY PERIOD PRIOR TO AND INCLUDING THE DAY OF THE ELECTION.
16 A request under this subsection (1)(b.7) must be made no later than one
17 hundred eighty days before the date of the election AND MUST BE MADE
18 ON THE FORM DESCRIBED IN SUBSECTION (5)(e)(II) OF THIS SECTION.

19 (5) (e) (I) For a general election, in addition to the requirements
20 of subsection (5)(a) of this section, at the request of the tribal council of
21 an Indian tribe located on a federal reservation whose headquarters are
22 within the county's boundaries, a county shall establish a drop-off location
23 within the boundaries of the reservation. The drop-off location must
24 accept ballots for the fifteen-day period prior to and including the day of
25 the election. A REQUEST UNDER THIS SUBSECTION (5)(e)(I) MUST BE MADE
26 ON THE FORM DESCRIBED IN SUBSECTION (5)(e)(II) OF THIS SECTION.

27 (II) THE SECRETARY OF STATE SHALL ESTABLISH A FORM BY WHICH

1 A TRIBAL COUNCIL CAN REQUEST A VOTER SERVICE AND POLLING CENTER
2 AS DESCRIBED IN SUBSECTION (1)(b.7) OF THIS SECTION AND A BALLOT
3 DROP-OFF LOCATION UNDER SUBSECTION (5)(e)(I) OF THIS SECTION. NOT
4 LESS THAN TWO HUNDRED FIFTY DAYS PRIOR TO ANY GENERAL ELECTION,
5 THE SECRETARY OF STATE SHALL PROVIDE THE FORM TO EACH TRIBAL
6 COUNCIL WITH FEDERAL RESERVATION LAND IN THE STATE.

7 **SECTION 4.** In Colorado Revised Statutes, 1-5-702, **add** (2.7)
8 as follows:

9 **1-5-702. Definitions.** As used in this part 7, unless the context
10 otherwise requires:

11 (2.7) "COVERED ENTITY" MEANS ANY ENTITY THAT IS PRIMARILY
12 ENGAGED IN PROVIDING STATE-FUNDED SERVICES OR PROGRAMS TO
13 INDIVIDUALS WITH DISABILITIES.

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

16 **1-5-707. Voting notice required - covered entities.** (1) A
17 COVERED ENTITY SHALL PUBLICLY DISPLAY AT LEAST ONE NOTICE IN EACH
18 BUILDING IT OCCUPIES THAT IS OPEN TO THE PUBLIC.

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

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

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

25 (c) IDENTIFY THE NEAREST DROP BOX, DROP-OFF LOCATION, AND
26 VOTER SERVICE AND POLLING CENTER; AND

27 (d) BE WRITTEN IN PLAIN LANGUAGE.

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

4 **SECTION 6.** In Colorado Revised Statutes, 1-5-902, **amend**
5 (2)(a) as follows:

6 **1-5-902. Legislative declaration - intent.** (2) The general
7 assembly further finds and declares that the intent of this part 9 is to:

8 (a) Provide ballot access to electors throughout the state while
9 balancing the reality of limited state and ~~county~~ LOCAL resources; and

10 **SECTION 7.** In Colorado Revised Statutes, 1-5-903, **add** (3.5)
11 and (3.7) as follows:

12 **1-5-903. Definitions.** As used in this part 9, unless the context
13 otherwise requires:

14 (3.5) "MUNICIPAL CLERK" MEANS THE CLERK OF A MUNICIPALITY
15 WHO IS THE CUSTODIAN OF THE OFFICIAL RECORDS OF THE MUNICIPALITY
16 OR ANY PERSON DELEGATED BY THE CLERK TO EXERCISE ANY OF THE
17 CLERK'S POWERS, DUTIES, OR FUNCTIONS, OR THE ELECTION COMMISSION
18 OF THE MUNICIPALITY.

19 (3.7) "MUNICIPALITY" MEANS A STATUTORY CITY OR TOWN AND
20 ANY CITY OR TOWN THAT HAS CHOSEN TO ADOPT A HOME RULE CHARTER
21 PURSUANT TO ARTICLE XX OF THE STATE CONSTITUTION.

22 **SECTION 8.** In Colorado Revised Statutes, 1-5-905, **amend** (1)
23 and (2) as follows:

24 **1-5-905. Multilingual ballot access - general provisions -**
25 **requirements of secretary of state - county and municipal clerks.**

26 (1) A county OR MUNICIPAL clerk is required to provide multilingual
27 ballot access by creating a minority language sample ballot pursuant to

1 section 1-5-906 and providing an in-person minority language ballot
2 pursuant to section 1-5-907 if:

3 (a) The county OR MUNICIPALITY has at least two thousand citizens
4 age eighteen years or older who speak English less than very well, as
5 defined by the United States bureau of the census American community
6 survey or comparable census data, and who speak a shared minority
7 language at home; or

8 (b) At least two and one-half percent of citizens in the county OR
9 MUNICIPALITY age eighteen years or older speak English less than very
10 well, as defined by the United States bureau of the census American
11 community survey or comparable census data, and speak a shared
12 minority language at home.

13 (2) The secretary of state shall determine which counties AND
14 MUNICIPALITIES in the state are required to provide multilingual ballot
15 access and, therefore, are required to create a minority language sample
16 ballot pursuant to section 1-5-906 and provide an in-person minority
17 language ballot pursuant to section 1-5-907. The secretary of state shall
18 make such determination based on information provided in the most
19 recent five-year estimates specified in the United States bureau of the
20 census American community survey or comparable census data. The
21 secretary of state shall notify the county clerk of any county AND THE
22 MUNICIPAL CLERK OF ANY MUNICIPALITY that is required to provide a
23 minority language sample ballot pursuant to section 1-5-906 and provide
24 an in-person minority language ballot pursuant to section 1-5-907 ~~on or~~
25 ~~before January 5, 2022, and~~ on or before January 5 of each even year.
26 ~~thereafter~~ In addition, ~~on or before January 5, 2022, and~~ on or before
27 January 5 of each even year, ~~thereafter~~, the secretary of state shall post a

1 list on the secretary's website of all counties AND MUNICIPALITIES that are
2 required to provide a minority language sample ballot pursuant to section
3 1-5-906 and provide an in-person minority language ballot pursuant to
4 section 1-5-907.

5 **SECTION 9.** In Colorado Revised Statutes, 1-5-906, **amend** (1),
6 (3), (4), (5), and (6) as follows:

7 **1-5-906. Minority language sample ballots - county and**
8 **municipal clerks.** (1) The county clerk of any county AND THE
9 MUNICIPAL CLERK OF ANY MUNICIPALITY that satisfies the criteria
10 specified in section 1-5-905 (1) shall, in coordination with the secretary
11 of state, create a minority language sample ballot in any minority
12 language spoken in the county OR MUNICIPALITY that satisfies the
13 following:

14 (a) The minority language is spoken by at least two thousand
15 citizens in the county OR MUNICIPALITY age eighteen years or older who
16 speak English less than very well, as defined by the United States bureau
17 of the census American community survey, and who speak the minority
18 language at home; or

19 (b) The minority language is spoken by at least two and one-half
20 percent of citizens in the county OR MUNICIPALITY age eighteen years or
21 older who speak English less than very well, as defined by the United
22 States bureau of the census American community survey, and who speak
23 the minority language at home.

24 (3) A county OR MUNICIPAL clerk that is required to create a
25 minority language sample ballot in one or more minority languages
26 pursuant to this section shall provide such minority language sample
27 ballots ~~for the general election held in November 2022, and for each~~

1 ~~general election and statewide odd-year election thereafter~~ THAT IS
2 ADMINISTERED BY THE COUNTY OR MUNICIPAL CLERK, AS APPLICABLE.

3 (4) The minority language sample ballot must include the
4 instructions for every ballot style in the county OR MUNICIPALITY. The
5 county OR MUNICIPAL clerk is not required to create a sample ballot for
6 every ballot style in the county OR MUNICIPALITY but may instead create
7 one master document containing all the candidates, questions, and
8 instructions included on every ballot style in the county OR MUNICIPALITY.
9 Instead of creating one master document, the county OR MUNICIPAL clerk
10 may choose to create a minority language sample ballot for each ballot
11 style in the county OR MUNICIPALITY.

12 (5) The county OR MUNICIPAL clerk shall make the minority
13 language sample ballot available and accessible to electors in the county
14 OR MUNICIPALITY on the website of the county OR MUNICIPAL clerk and
15 at voter service and polling centers. ~~county-wide~~ The county OR
16 MUNICIPAL clerk shall notify all electors in the county OR MUNICIPALITY
17 via the mail ballot packet and in each language in which a minority
18 language sample ballot will be created that a minority language sample
19 ballot is available.

20 (6) A county OR MUNICIPAL clerk shall ensure that the translation
21 provided for the minority language sample ballot is performed by one or
22 more qualified translators.

23 **SECTION 10.** In Colorado Revised Statutes, 1-5-907, **amend** (1),
24 (3), and (4) as follows:

25 **1-5-907. In-person minority language ballot - county and**
26 **municipal clerks - voter service and polling centers.** (1) The county
27 clerk of any county AND THE MUNICIPAL CLERK OF ANY MUNICIPALITY that

1 satisfies the criteria specified in section 1-5-905 (1) shall ensure that
2 every voter service and polling center in the county OR MUNICIPALITY is
3 equipped to provide, upon the request of an elector, an in-person minority
4 language ballot in any minority language spoken in the county OR
5 MUNICIPALITY that satisfies the following:

6 (a) The minority language is spoken by at least two thousand
7 citizens in the county OR MUNICIPALITY age eighteen years or older who
8 speak English less than very well, as defined by the United States bureau
9 of the census American community survey or comparable census data,
10 and who speak the minority language at home; or

11 (b) The minority language is spoken by at least two and one-half
12 percent of citizens in the county OR MUNICIPALITY age eighteen years or
13 older who speak English less than very well, as defined by the United
14 States bureau of the census American community survey or comparable
15 census data, and who speak the minority language at home.

16 (3) A county OR MUNICIPAL clerk that is required to provide an
17 in-person minority language ballot option in one or more minority
18 languages pursuant to this section shall provide in-person minority
19 language ballot options for ~~the general election held in November 2022,~~
20 ~~and for each general election and statewide odd-year election thereafter~~
21 THAT IS ADMINISTERED BY THE COUNTY OR MUNICIPAL CLERK, AS
22 APPLICABLE.

23 (4) The county OR MUNICIPAL clerk shall notify all electors via the
24 mail ballot packet and in each language in which the in-person minority
25 language ballot option will be available that electors may request an
26 in-person minority language ballot in the applicable language at any voter
27 service and polling center in the county OR MUNICIPALITY.

1 PRACTICES THAT CREATE DISPARITIES THAT PERSIST OVER TIME; AND

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

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

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

12 **1-47-103. Definitions.** AS USED IN THIS ARTICLE 47, UNLESS THE
13 CONTEXT OTHERWISE REQUIRES:

14 (1) "ALTERNATIVE METHOD OF ELECTION" MEANS A METHOD OF
15 ELECTING CANDIDATES TO A LEGISLATIVE BODY OF THE STATE OR A
16 POLITICAL SUBDIVISION OTHER THAN A WINNER-TAKE-ALL AT-LARGE
17 METHOD OF ELECTION OR A DISTRICT-BASED METHOD OF ELECTION,
18 INCLUDING, BUT NOT LIMITED TO: CUMULATIVE VOTING, LIMITED VOTING,
19 MIXED-MEMBER PROPORTIONAL REPRESENTATION, PARTY-LIST
20 PROPORTIONAL REPRESENTATION, AND INSTANT RUNOFF VOTING.

21 (2) "AT-LARGE METHOD OF ELECTION" MEANS A METHOD OF
22 ELECTING CANDIDATES TO A LEGISLATIVE BODY OF THE STATE OR A
23 POLITICAL SUBDIVISION IN WHICH THE CANDIDATES ARE VOTED ON BY ALL
24 VOTERS OF THE STATE OR THE POLITICAL SUBDIVISION, REGARDLESS OF
25 WHETHER THEY ARE REQUIRED TO LIVE IN SPECIFIC RESIDENCY DISTRICTS.

26 "AT-LARGE METHOD OF ELECTION" DOES NOT INCLUDE ELECTIONS FOR
27 MEMBERS WHO HOLD EXCLUSIVELY EXECUTIVE RESPONSIBILITIES OR ANY

1 ALTERNATIVE METHODS OF ELECTION.

2 (3) "ATTORNEY GENERAL" MEANS THE ATTORNEY GENERAL, AS
3 DEFINED IN THE STATE CONSTITUTION, AND THE OFFICE OF THE ATTORNEY
4 GENERAL.

5 (4) "BALLOT ISSUE" HAS THE SAME MEANING AS SET FORTH IN
6 SECTION 1-1-104 (2.3).

7 (5) "BALLOT QUESTION" HAS THE SAME MEANING AS SET FORTH IN
8 SECTION 1-1-104 (2.7).

9 (6) "COORDINATED ELECTION" HAS THE SAME MEANING AS SET
10 FORTH IN SECTION 1-1-104 (6.5).

11 (7) "COUNTY" INCLUDES A CITY AND COUNTY.

12 (8) "DISABILITY" HAS THE SAME MEANING AS SET FORTH IN THE
13 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
14 12101, ET SEQ.

15 (9) "DISTRICT-BASED METHOD OF ELECTION" MEANS A METHOD OF
16 ELECTING MEMBERS TO A GOVERNING BODY IN WHICH EACH MEMBER OF
17 THE GOVERNING BODY RESIDES WITHIN A DISTRICT OR AREA THAT IS A
18 DIVISIBLE PART OF THE STATE OR POLITICAL SUBDIVISION AND IS ELECTED
19 ONLY BY VOTERS RESIDING WITHIN THAT DISTRICT OR AREA.

20 (10) "DROP BOX" HAS THE SAME MEANING AS SET FORTH IN
21 SECTION 1-1-104 (9.7).

22 (11) "DROP-OFF LOCATION" HAS THE SAME MEANING AS SET FORTH
23 IN SECTION 1-1-104 (9.8).

24 (12) "ELECTOR" HAS THE SAME MEANING AS SET FORTH IN SECTION
25 1-1-104 (12).

26 (13) "ELIGIBLE ELECTOR" HAS THE SAME MEANING AS SET FORTH
27 IN SECTION 1-1-104 (16).

1 (14) "GENDER EXPRESSION" HAS THE SAME MEANING AS SET
2 FORTH IN SECTION 24-34-301 (9).

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

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

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

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

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

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

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

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

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

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

27 (25) "PROTECTED CLASS" MEANS A CLASS OF ELECTORS WHO ARE

1 MEMBERS OF ONE OR MORE RACIAL, COLOR, OR LANGUAGE MINORITY
2 GROUPS, INCLUDING:

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

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

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

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

13 **1-47-104. Liberal construction.** THIS ARTICLE 47 MUST BE
14 LIBERALLY CONSTRUED TO EFFECTUATE ITS PURPOSE AND TO:

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

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

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

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

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

25 **1-47-105. Prohibition on voter suppression.** (1) (a) (I) A
26 POLITICAL SUBDIVISION SHALL NOT ACT IN A MANNER THAT RESULTS IN,
27 WILL RESULT IN, OR IS INTENDED TO RESULT IN:

1 (A) A MATERIAL DISPARITY BETWEEN A PROTECTED CLASS AND
2 OTHER ELIGIBLE ELECTORS IN REGARD TO VOTER PARTICIPATION, ACCESS
3 TO VOTING OPPORTUNITIES, OR THE OPPORTUNITY OR ABILITY TO
4 PARTICIPATE IN THE POLITICAL PROCESS; OR

5 (B) AN IMPAIRMENT OF THE OPPORTUNITY OR ABILITY OF A
6 PROTECTED CLASS MEMBER TO PARTICIPATE IN THE POLITICAL PROCESS,
7 BASED ON THE TOTALITY OF THE CIRCUMSTANCES.

8 (II) AN ACTION PROHIBITED BY SUBSECTION (1)(a)(I) OF THIS
9 SECTION MAY INCLUDE:

10 (A) IMPLEMENTING, IMPOSING, OR ENFORCING A QUALIFICATION
11 FOR ELIGIBILITY TO BE AN ELECTOR OR ANOTHER PREREQUISITE TO VOTING
12 THAT RESULTS IN A MATERIAL DISPARITY OR IMPAIRMENT AS DESCRIBED
13 IN SUBSECTION (1)(a)(I) OF THIS SECTION; OR

14 (B) IMPLEMENTING, IMPOSING, OR ENFORCING A LAW, ORDINANCE,
15 RULE, REGULATION, STANDARD, PRACTICE, PROCEDURE, OR POLICY
16 REGARDING THE ADMINISTRATION OF ELECTIONS THAT RESULTS IN A
17 MATERIAL DISPARITY OR IMPAIRMENT AS DESCRIBED IN SUBSECTION
18 (1)(a)(I) OF THIS SECTION.

19 (b) (I) A POLITICAL SUBDIVISION SHALL NOT, BY FAILING TO ACT,
20 CAUSE OR INTEND TO CAUSE:

21 (A) A MATERIAL DISPARITY BETWEEN A PROTECTED CLASS
22 MEMBER AND OTHER ELIGIBLE ELECTORS IN REGARD TO VOTER
23 PARTICIPATION, ACCESS TO VOTING OPPORTUNITIES, OR THE OPPORTUNITY
24 OR ABILITY TO PARTICIPATE IN THE POLITICAL PROCESS; OR

25 (B) AN IMPAIRMENT OF THE OPPORTUNITY OR ABILITY OF A
26 PROTECTED CLASS MEMBER TO PARTICIPATE IN THE POLITICAL PROCESS,
27 BASED ON THE TOTALITY OF THE CIRCUMSTANCES.

1 (II) A FAILURE TO ACT PROHIBITED BY SUBSECTION (1)(b)(I) OF
2 THIS SECTION MAY INCLUDE FAILING TO IMPLEMENT, IMPOSE, OR ENFORCE
3 A LAW, ORDINANCE, RULE, REGULATION, STANDARD, PRACTICE,
4 PROCEDURE, OR POLICY REGARDING THE ADMINISTRATION OF ELECTIONS
5 IF SUCH FAILURE RESULTS IN A MATERIAL DISPARITY OR IMPAIRMENT AS
6 DESCRIBED IN SUBSECTION (1)(b)(I) OF THIS SECTION.

7 (2) IN ADDITION TO OTHER CIRCUMSTANCES THAT MEET THE
8 REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION, A VIOLATION OF THIS
9 SECTION OCCURS WHEN:

10 (a) A POLITICAL SUBDIVISION ACTS IN A MANNER THAT WAS
11 INTENDED TO RESULT IN A MATERIAL DISPARITY BETWEEN A PROTECTED
12 CLASS AND OTHER ELIGIBLE ELECTORS IN REGARD TO VOTER
13 PARTICIPATION, ACCESS TO VOTING OPPORTUNITIES, OR THE OPPORTUNITY
14 OR ABILITY TO PARTICIPATE IN THE POLITICAL PROCESS;

15 (b) A POLITICAL SUBDIVISION CLOSES, MOVES, OR CONSOLIDATES
16 ONE OR MORE PRECINCTS, POLLING LOCATIONS, BALLOT DROP BOXES, OR
17 BALLOT DROP-OFF LOCATIONS IN A MANNER THAT RESULTS IN
18 MATERIALLY GREATER BURDENS ON MEMBERS OF A PROTECTED CLASS
19 THAN ON OTHER ELIGIBLE ELECTORS;

20 (c) A POLITICAL SUBDIVISION CHANGES THE TIME OR DATE OF AN
21 ELECTION IN A MANNER THAT DISPARATELY IMPAIRS THE RIGHT TO VOTE
22 OF MEMBERS OF A PROTECTED CLASS;

23 (d) A POLITICAL SUBDIVISION CONDUCTS GENERAL OR PRIMARY
24 ELECTIONS ON DATES THAT DO NOT ALIGN WITH THE DATE OF FEDERAL OR
25 STATE GENERAL OR PRIMARY ELECTIONS OR A COORDINATED ELECTION,
26 RESULTING IN A MATERIAL DISPARITY IN LEVELS OF PARTICIPATION
27 BETWEEN MEMBERS OF A PROTECTED CLASS AND OTHER ELIGIBLE

1 ELECTORS THAT EXCEEDS ANY DISPARITY IN FEDERAL OR STATE GENERAL
2 OR PRIMARY ELECTIONS OR A COORDINATED ELECTION;

3 (e) A SPECIAL ELECTION IS SELECTED FOR A DATE THAT WOULD
4 LIKELY RESULT IN A MATERIAL DISPARITY IN LEVELS OF PARTICIPATION
5 BETWEEN MEMBERS OF A PROTECTED CLASS AND OTHER ELIGIBLE
6 ELECTORS, AND THERE EXISTS AN ALTERNATE DATE WITHIN A
7 REASONABLE PERIOD ON WHICH THE DISPARITY WOULD BE MATERIALLY
8 LESS SIGNIFICANT; OR

9 (f) FOLLOWING A VACANCY IN AN OFFICE IN WHICH MEMBERS OF
10 A PROTECTED CLASS ARE GENERALLY ABLE TO ELECT CANDIDATES OF
11 THEIR CHOICE OR OTHERWISE INFLUENCE THE OUTCOME OF ELECTIONS FOR
12 THAT OFFICE, A SPECIAL ELECTION IS NOT SCHEDULED WITHIN A
13 REASONABLE PERIOD, LEAVING THE OFFICE VACANT FOR AN
14 UNREASONABLE PERIOD.

15 (3) THE PROTECTIONS AND REQUIREMENTS OF THIS SECTION ARE
16 IN ADDITION TO AND DO NOT SUPPLANT, REPLACE, REPEAL, OR AFFECT ANY
17 OTHER LAWS THAT PROTECT VOTERS OR PROHIBIT VOTER SUPPRESSION.

18 **1-47-106. Prohibition on voter dilution.** (1) A POLITICAL
19 SUBDIVISION SHALL NOT ENACT OR EMPLOY ANY METHOD OF ELECTION
20 THAT HAS THE EFFECT OF, OR IS MOTIVATED IN PART BY THE INTENTION OF,
21 DISPARATELY IMPAIRING THE OPPORTUNITY OR ABILITY OF MEMBERS OF
22 A PROTECTED CLASS TO PARTICIPATE IN THE POLITICAL PROCESS, ELECT
23 THE CANDIDATES OF THEIR CHOICE, OR OTHERWISE INFLUENCE THE
24 OUTCOME OF ELECTIONS.

25 (2) A VIOLATION OF THIS SECTION OCCURS WHEN:

26 (a) IF THE POLITICAL SUBDIVISION EMPLOYS AN AT-LARGE METHOD
27 OF ELECTION:

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

5 (B) BASED ON THE TOTALITY OF THE CIRCUMSTANCES, THE EQUAL
6 OPPORTUNITY OR ABILITY OF MEMBERS OF A PROTECTED CLASS TO
7 NOMINATE OR ELECT THE CANDIDATES OF THEIR CHOICE IS DISPARATELY
8 IMPAIRED; AND

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

13 (b) IF THE POLITICAL SUBDIVISION EMPLOYS A DISTRICT-BASED OR
14 ALTERNATIVE METHOD OF ELECTION:

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

19 (B) BASED ON THE TOTALITY OF THE CIRCUMSTANCES, THE EQUAL
20 OPPORTUNITY OR ABILITY OF MEMBERS OF A PROTECTED CLASS TO
21 NOMINATE OR ELECT THE CANDIDATES OF THEIR CHOICE IS DISPARATELY
22 IMPAIRED; AND

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

27 **1-47-107. Prohibition on voting prerequisites based on gender**

1 **identity, gender expression, or sexual orientation.** A POLITICAL
2 SUBDIVISION SHALL NOT IMPLEMENT, IMPOSE, OR ENFORCE A
3 QUALIFICATION FOR ELIGIBILITY TO BE AN ELECTOR OR ANOTHER
4 PREREQUISITE TO VOTING BASED ON AN INDIVIDUAL'S ACTUAL OR
5 PERCEIVED GENDER IDENTITY, GENDER EXPRESSION, OR SEXUAL
6 ORIENTATION.

7 PART 2

8 ENFORCEMENT OF VOTING RIGHTS

9 **1-47-201. Enforcement of voting rights act - civil action -**
10 **attorney general powers - priority on court calendar.** (1) (a) AN
11 AGGRIEVED PERSON MAY BRING A CIVIL ACTION ALLEGING A VIOLATION
12 OF SECTION 1-47-105, 1-47-106, OR 1-47-107. THE AGGRIEVED PERSON
13 MAY FILE SUIT IN THE DISTRICT COURT FOR THE JUDICIAL DISTRICT WHERE
14 THE ALLEGED VIOLATION OCCURRED, IN THE DISTRICT COURT FOR THE
15 JUDICIAL DISTRICT WHERE THE AGGRIEVED PERSON RESIDES, OR IN THE
16 DENVER DISTRICT COURT.

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

19 (I) AN INDIVIDUAL;

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

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

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

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

1 MAY:

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

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

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

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

13 **1-47-202. Notification letter - when required.** (1) (a) EXCEPT
14 AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, BEFORE BRINGING A
15 CIVIL ACTION AGAINST A POLITICAL SUBDIVISION PURSUANT TO SECTION
16 1-47-201, AN AGGRIEVED PERSON OR THE ATTORNEY GENERAL SHALL
17 SEND BY CERTIFIED MAIL A NOTIFICATION LETTER TO THE POLITICAL
18 SUBDIVISION INFORMING THE POLITICAL SUBDIVISION THAT IT MAY BE IN
19 VIOLATION OF THIS ARTICLE 47 AND INCLUDING DETAILS OF THE ALLEGED
20 VIOLATION.

21 (b) AN AGGRIEVED PERSON OR THE ATTORNEY GENERAL MUST
22 WAIT SIXTY CALENDAR DAYS AFTER SENDING THE NOTIFICATION LETTER
23 REQUIRED BY SUBSECTION (1)(a) OF THIS SECTION TO BRING A CIVIL
24 ACTION AGAINST A POLITICAL SUBDIVISION PURSUANT TO SECTION
25 1-47-201; EXCEPT THAT, IF A POLITICAL SUBDIVISION ADOPTS A
26 RESOLUTION PURSUANT TO SECTION 1-47-203, AN AGGRIEVED PERSON OR
27 THE ATTORNEY GENERAL MUST WAIT NINETY CALENDAR DAYS AFTER THE

1 PASSAGE OF THE RESOLUTION TO BRING A CIVIL ACTION AGAINST THE
2 POLITICAL SUBDIVISION.

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

7 (a) THE AGGRIEVED PERSON OR THE ATTORNEY GENERAL BRINGS
8 THE CIVIL ACTION WITHIN ONE YEAR AFTER THE ENACTMENT OF THE
9 CHALLENGED ACTION BY THE POLITICAL SUBDIVISION;

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

12 (c) A DIFFERENT AGGRIEVED PERSON OR THE ATTORNEY GENERAL
13 PREVIOUSLY SENT A NOTIFICATION LETTER REQUIRED BY SUBSECTION
14 (1)(a) OF THIS SECTION TO THE POLITICAL SUBDIVISION THAT IDENTIFIED
15 A SUBSTANTIALLY SIMILAR ALLEGED VIOLATION OF THIS ARTICLE 47 AND
16 SIXTY CALENDAR DAYS HAVE PASSED SINCE THAT NOTIFICATION LETTER
17 WAS SENT; OR

18 (d) THE AGGRIEVED PERSON OR THE ATTORNEY GENERAL ALLEGES
19 A VIOLATION OF SECTION 1-47-107.

20 **1-47-203. Political subdivision resolution - remedy for**
21 **violation of Colorado Voting Rights Act - agreement with aggrieved**
22 **person - definition.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
23 OTHERWISE REQUIRES, "RESOLUTION" MEANS A RESOLUTION OF A
24 POLITICAL SUBDIVISION THAT MEETS THE REQUIREMENTS DESCRIBED IN
25 SUBSECTION (2)(b) OF THIS SECTION.

26 (2) (a) AFTER RECEIVING A NOTIFICATION LETTER SENT PURSUANT
27 TO SECTION 1-47-202, THE GOVERNING BODY OF A POLITICAL SUBDIVISION

1 MAY ADOPT A RESOLUTION PROVIDING FOR A SOLUTION TO THE ALLEGED
2 VIOLATION OF THIS ARTICLE 47 AS IDENTIFIED IN THE NOTIFICATION
3 LETTER.

4 (b) A RESOLUTION MUST:

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

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

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

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

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

17 (c) THE ADOPTION OF A RESOLUTION DOES NOT CONSTITUTE AN
18 ADMISSION BY THE POLITICAL SUBDIVISION OF ANY LIABILITY UNDER
19 SECTION 1-47-105 OR 1-47-106.

20 (3) (a) IF A POLITICAL SUBDIVISION ADOPTS A RESOLUTION, THE
21 POLITICAL SUBDIVISION SHALL IMPLEMENT THE IDENTIFIED SOLUTION
22 WITHIN NINETY CALENDAR DAYS AFTER THE PASSAGE OF THE RESOLUTION.

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

1 (II) AN AGGRIEVED PERSON SHALL MAKE THE DEMAND FOR
2 REIMBURSEMENT IN WRITING AND SHALL SUBSTANTIATE THE DEMAND
3 WITH FINANCIAL DOCUMENTATION, SUCH AS A DETAILED INVOICE FOR
4 DEMOGRAPHY SERVICES OR FOR THE ANALYSIS OF VOTING PATTERNS IN
5 THE POLITICAL SUBDIVISION. A POLITICAL SUBDIVISION MAY REQUEST
6 ADDITIONAL DOCUMENTATION IF THE PROVIDED DOCUMENTATION IS
7 INSUFFICIENT TO CORROBORATE THE CLAIMED COSTS.

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

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

21 **1-47-204. Prima facie case - voter suppression.** (1) (a) AN
22 AGGRIEVED PERSON OR THE ATTORNEY GENERAL BRINGING A CIVIL ACTION
23 AGAINST A POLITICAL SUBDIVISION PURSUANT TO SECTION 1-47-201
24 ESTABLISHES A PRIMA FACIE CASE OF VOTER SUPPRESSION IF THE PERSON
25 SHOWS, BY A PREPONDERANCE OF THE EVIDENCE, THAT THE CHALLENGED
26 ACTION RESULTS OR WILL RESULT IN A MATERIAL DISPARITY BETWEEN A
27 PROTECTED CLASS AND OTHER ELIGIBLE ELECTORS IN REGARD TO VOTER

1 PARTICIPATION, ACCESS TO VOTING OPPORTUNITIES, OR THE OPPORTUNITY
2 OR ABILITY TO PARTICIPATE IN THE POLITICAL PROCESS.

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

9 (c) IF THE POLITICAL SUBDIVISION MEETS ITS BURDEN AS
10 DESCRIBED IN SUBSECTION (1)(b) OF THIS SECTION, THE CHALLENGED
11 ACTION MAY NONETHELESS BE HELD INVALID IF THE AGGRIEVED PERSON
12 OR THE ATTORNEY GENERAL DEMONSTRATES BY A PREPONDERANCE OF
13 THE EVIDENCE THAT THE POLITICAL SUBDIVISION COULD COMPARABLY
14 FURTHER THE IDENTIFIED IMPORTANT, PARTICULARIZED GOVERNMENTAL
15 INTEREST THROUGH AN ALTERNATIVE POLICY THAT RESULTS IN A SMALLER
16 DISPARITY BETWEEN MEMBERS OF A PROTECTED CLASS AND OTHER
17 ELIGIBLE ELECTORS.

18 **1-47-205. Factors in determining voter dilution.** (1) (a) IN
19 DETERMINING WHETHER A CHALLENGED METHOD OF ELECTION EXHIBITS
20 POLARIZED VOTING FOR PURPOSES OF SECTION 1-47-106 (2)(a)(I)(A) OR
21 (2)(b)(I)(A), A COURT:

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

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

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

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

8 (A) ELECTIONS FOR OFFICES OF THE POLITICAL SUBDIVISION;

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

11 (C) BALLOT ISSUES OR QUESTIONS; OR

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

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

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

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

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

23 (2) (a) IN DETERMINING WHETHER, BASED ON THE TOTALITY OF
24 THE CIRCUMSTANCES, THE EQUAL OPPORTUNITY OR ABILITY OF MEMBERS
25 OF A PROTECTED CLASS TO NOMINATE OR ELECT THE CANDIDATES OF
26 THEIR CHOICE IS DISPARATELY IMPAIRED FOR PURPOSES OF SECTION
27 1-47-106 (2)(a)(I)(B) OR (2)(b)(I)(B), A COURT MAY CONSIDER THE

1 FOLLOWING FACTORS:

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

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

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

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

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

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

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

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

27 (b) NONE OF THE FACTORS DESCRIBED IN SUBSECTION (2)(a) OF

1 THIS SECTION ARE DISPOSITIVE OR NECESSARY TO ESTABLISH THE
2 EXISTENCE OF A VIOLATION OF SECTION 1-47-106 AND NO SPECIFIED
3 NUMBER OR COMBINATION OF FACTORS IS REQUIRED TO ESTABLISH A
4 VIOLATION OF SECTION 1-47-106.

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

9 **1-47-206. Remedy for violation of Colorado Voting Rights Act**
10 **- preliminary relief - award of costs and fees.** (1) (a) AN AGGRIEVED
11 PERSON THAT BRINGS A CIVIL ACTION AGAINST A POLITICAL SUBDIVISION
12 PURSUANT TO SECTION 1-47-201, OR THE ATTORNEY GENERAL, MAY SEEK
13 PRELIMINARY RELIEF CONCERNING AN UPCOMING ELECTION HELD IN THE
14 POLITICAL SUBDIVISION IF THE CIVIL ACTION IS BROUGHT WITHIN THE ONE
15 HUNDRED TWENTY DAY PERIOD PRIOR TO THE ELECTION.

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

20 (I) THE AGGRIEVED PERSON OR THE ATTORNEY GENERAL IS MORE
21 LIKELY THAN NOT TO SUCCEED ON THE MERITS; AND

22 (II) AN APPROPRIATE REMEDY TO THE ALLEGED VIOLATION CAN BE
23 IMPLEMENTED PRIOR TO THE ELECTION.

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

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

5 (c) IF A PROVISION OF LAW WOULD PRECLUDE AN OTHERWISE
6 APPROPRIATE REMEDY, THE COURT MAY NONETHELESS ORDER A POLITICAL
7 SUBDIVISION TO IMPLEMENT THE REMEDY THAT IS INCONSISTENT WITH THE
8 PROVISION OF LAW.

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

15 **1-47-207. Attorney general enforcement.** ENFORCEMENT BY THE
16 ATTORNEY GENERAL OF THIS ARTICLE 47 OR RELATED LEGAL ACTIONS ARE
17 BROUGHT SOLELY AT THE ATTORNEY GENERAL'S DISCRETION ON BEHALF
18 OF THE STATE. ACTIONS BROUGHT BY THE ATTORNEY GENERAL PURSUANT
19 TO THIS ARTICLE 47 ARE BROUGHT UNDER THE ATTORNEY GENERAL'S OWN
20 AUTHORITY AND NOT ON BEHALF OF THE SECRETARY OF STATE.

21 PART 3

22 STATEWIDE ELECTION INFORMATION

23 **1-47-301. Definitions.** AS USED IN THIS PART 3, UNLESS THE
24 CONTEXT OTHERWISE REQUIRES:

25 (1) "DIRECTOR" MEANS THE DIRECTOR OF THE OFFICE.

26 (2) "OFFICE" MEANS THE STATEWIDE ELECTION DATABASE AND
27 INFORMATION OFFICE CREATED IN SECTION 1-47-302.

1 **1-47-302. Statewide election database and information office**

2 **- creation - purpose - duties.** (1) THE STATEWIDE ELECTION DATABASE
3 AND INFORMATION OFFICE IS CREATED IN THE DEPARTMENT OF STATE.

4 (2) THE OFFICE IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION
5 24-1-105, AND EXERCISES ITS POWERS AND PERFORMS ITS DUTIES AND
6 FUNCTIONS UNDER THE DEPARTMENT OF STATE.

7 (3) (a) THE DIRECTOR OF THE OFFICE SHALL REPORT TO THE
8 SECRETARY OF STATE.

9 (b) THE DIRECTOR MUST HOLD AN ADVANCED DEGREE FROM AN
10 ACCREDITED COLLEGE OR UNIVERSITY, OR HAVE EQUIVALENT EXPERIENCE,
11 AND HAVE EXPERTISE IN DEMOGRAPHY, STATISTICAL ANALYSIS, AND
12 ELECTORAL SYSTEMS.

13 (c) THE DIRECTOR IS SELECTED THROUGH A FAIR AND OPEN
14 COMPARATIVE ANALYSIS OF CANDIDATES, ADMINISTERED BY THE
15 SECRETARY OF STATE, BASED ON OBJECTIVE CRITERIA AND WITHOUT
16 REGARD TO POLITICAL CONSIDERATIONS OR AFFILIATIONS.

17 (4) THE PURPOSE OF THE OFFICE IS TO ASSIST THE STATE AND
18 POLITICAL SUBDIVISIONS WITH:

19 (a) EVALUATING WHETHER AND TO WHAT EXTENT CURRENT LAWS
20 AND PRACTICES RELATED TO ELECTION ADMINISTRATION ARE CONSISTENT
21 WITH THIS ARTICLE 47;

22 (b) IMPLEMENTING BEST PRACTICES IN ELECTION ADMINISTRATION
23 TO FURTHER THE PURPOSE OF THIS ARTICLE 47; AND

24 (c) INVESTIGATING ANY POTENTIAL INFRINGEMENT ON THE RIGHT
25 TO VOTE WITHIN THE STATE.

26 **1-47-303. Functions and duties of the office - data collection**

27 **and maintenance.** (1) (a) THE OFFICE SHALL COLLECT AND MAINTAIN

1 THE FOLLOWING DATA IN AN ELECTRONIC FORMAT:

2 (I) ANNUAL ESTIMATES OF TOTAL POPULATION, VOTING AGE
3 POPULATION, AND CITIZEN VOTING AGE POPULATION BY RACE, COLOR,
4 LANGUAGE MINORITY GROUP, AND DISABILITY STATUS FOR EACH
5 POLITICAL SUBDIVISION, WHICH ARE SPECIFIED AT THE PRECINCT LEVEL,
6 IF AVAILABLE, OR THE DISTRICT OR COUNTY LEVEL AND WHICH ARE BASED
7 ON INFORMATION FROM THE UNITED STATES CENSUS BUREAU, INCLUDING
8 FROM THE AMERICAN COMMUNITY SURVEY, OR INFORMATION OF
9 COMPARABLE QUALITY COLLECTED BY A PUBLIC ENTITY;

10 (II) ELECTION RESULTS AT THE PRECINCT LEVEL FOR STATE AND
11 POLITICAL SUBDIVISION ELECTIONS;

12 (III) REDISTRICTING PLANS AND PRECINCT BOUNDARIES FOR EACH
13 ELECTION IN EACH POLITICAL SUBDIVISION;

14 (IV) GEOCODED LOCATIONS OF VOTER SERVICE AND POLLING
15 CENTERS, BALLOT DROP BOXES, AND BALLOT DROP-OFF LOCATIONS FOR
16 EACH ELECTION IN EACH POLITICAL SUBDIVISION, IN ADDITION TO THE
17 NUMBER OF DAYS AND HOURS THAT EACH VOTER SERVICE AND POLLING
18 CENTER OR BALLOT DROP-OFF LOCATION IS OPEN; AND

19 (V) ANY OTHER INFORMATION THAT THE DIRECTOR DETERMINES
20 NECESSARY TO MAINTAIN IN FURTHERANCE OF THE PURPOSES OF THE
21 OFFICE.

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

26 (c) THE DIRECTOR SHALL MAKE THE DATA MAINTAINED BY THE
27 OFFICE AS DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION AVAILABLE

1 ON THE WEBSITE OF THE SECRETARY OF STATE OR OF THE OFFICE IN AN
2 ACCESSIBLE AND APPROPRIATE ELECTRONIC FORMAT; EXCEPT THAT
3 PERSONALLY IDENTIFIABLE VOTER INFORMATION THAT IS NOT PUBLICLY
4 AVAILABLE IS NOT PUBLISHED AND ACCESSIBLE.

5 (d) IN PREPARING ANY ANALYSIS OF THE DATA DESCRIBED IN
6 SUBSECTION (1)(a) OF THIS SECTION, THE OFFICE SHALL USE REASONABLE,
7 PEER-REVIEWED, AND VALIDATED METHODOLOGIES.

8 (2) THE DIRECTOR MAY PROVIDE NONPARTISAN TECHNICAL
9 ASSISTANCE TO POLITICAL SUBDIVISIONS, RESEARCHERS, AND MEMBERS
10 OF THE PUBLIC SEEKING TO USE THE OFFICE'S RESOURCES IN RELATION TO
11 THE DATA IT MAINTAINS PURSUANT TO THIS SECTION.

12 (3) THE DIRECTOR MAY, AT THE DIRECTOR'S SOLE DISCRETION,
13 REFER INFORMATION AND DATA TO THE ATTORNEY GENERAL FOR
14 EVALUATION AND INVESTIGATION CONCERNING POTENTIAL VIOLATIONS OF
15 THIS ARTICLE 47.

16 **1-47-304. Submission of data by political subdivisions.**

17 (1) AFTER THE CERTIFICATION OF AN ELECTION OF ANY POLITICAL
18 SUBDIVISION, THE ENTITY RESPONSIBLE FOR ADMINISTERING THE ELECTION
19 SHALL SUBMIT TO THE OFFICE THE FOLLOWING INFORMATION IN AN
20 ACCESSIBLE AND APPROPRIATE FORMAT AS DETERMINED BY THE OFFICE:

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

23 (b) VOTER REGISTRATION LISTS AS OF THE ELECTION;

24 (c) VOTER RECORDS; AND

25 (d) ELECTION DISTRICT AND PRECINCT BOUNDARIES, IF
26 APPLICABLE.

27 (2) THE DIRECTOR SHALL PROVIDE ADEQUATE TECHNOLOGICAL

1 SECURITY MEASURES TO PREVENT UNAUTHORIZED ACCESS TO
2 VOTER-RELATED RECORDS AND SHALL ESTABLISH ADEQUATE AND
3 REASONABLE TECHNOLOGICAL SECURITY REQUIREMENTS FOR THE
4 EXCHANGE OR TRANSFER OF DATA.

5 **SECTION 13.** In Colorado Revised Statutes, 24-1-111, **add** (4)
6 as follows:

7 **24-1-111. Department of state - creation.** (4) THE DEPARTMENT
8 OF STATE INCLUDES THE STATEWIDE ELECTION DATABASE AND
9 INFORMATION OFFICE CREATED IN PART 3 OF ARTICLE 47 OF TITLE 1. THE
10 STATEWIDE ELECTION DATABASE AND INFORMATION OFFICE IS A **TYPE 2**
11 ENTITY, AS DEFINED IN SECTION 24-1-105, AND EXERCISES ITS POWERS
12 AND PERFORMS ITS DUTIES AND FUNCTIONS AS SPECIFIED BY LAW UNDER
13 THE DEPARTMENT OF STATE.

14 **SECTION 14.** In Colorado Revised Statutes, 24-31-101, **amend**
15 (1)(i)(XXII) and (1)(i)(XXIII); and **add** (1)(i)(XXIV) as follows:

16 **24-31-101. Powers and duties of attorney general.** (1) The
17 attorney general:

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

- 20 (XXII) Part 14 of article 12 of title 38; ~~and~~
- 21 (XXIII) Section 24-34-806; AND
- 22 (XXIV) THE "COLORADO VOTING RIGHTS ACT", ARTICLE 47 OF
23 TITLE 1.

24 **SECTION 15. Act subject to petition - effective date -**
25 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
26 the expiration of the ninety-day period after final adjournment of the
27 general assembly; except that, if a referendum petition is filed pursuant

1 to section 1 (3) of article V of the state constitution against this act or an
2 item, section, or part of this act within such period, then the act, item,
3 section, or part will not take effect unless approved by the people at the
4 general election to be held in November 2026 and, in such case, will take
5 effect on the date of the official declaration of the vote thereon by the
6 governor.

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