

First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0082.01 Troy Bratton

SENATE BILL 11-018

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SENATE SPONSORSHIP

Harvey,

HOUSE SPONSORSHIP

Holbert,

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Senate Committees  
State, Veterans & Military Affairs

House Committees

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A BILL FOR AN ACT

101 CONCERNING A REQUIREMENT TO PROVIDE PROOF OF CITIZENSHIP TO  
102 REGISTER TO VOTE.

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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://www.leg.state.co.us/billsummaries>.)*

A person who applies to register to vote is required to provide proof of citizenship. An applicant establishes proof of citizenship by providing:

- ! A United States passport or photocopy thereof;
- ! A birth certificate or photocopy thereof;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

- ! A United States naturalization document or a photocopy thereof;
- ! The number on the applicant's certificate of naturalization, verified by the county clerk and recorder; or
- ! Any document or method of proof of citizenship established by federal immigration law.

Additionally, the county clerk and recorder is prohibited from registering a person who has completed a provisional ballot affidavit until the person provides proof of citizenship.

A person is exempt from the proof of citizenship requirements if the person is registered prior to July 1, 2011, or if the person is an absent uniformed services elector or a nonresident or resident overseas elector and applies to register by federal postcard application.

A registered elector is not required to submit proof of citizenship when the elector:

- ! Moves from one county to another county within the state and has completed an emergency registration affidavit;
- ! Moves within the county and changes his or her address on the registration record;
- ! Changes his or her name on the registration record; or
- ! Declares, changes, or withdraws an affiliation with a political party or political organization.

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

2 **SECTION 1.** 1-2-201 (2), Colorado Revised Statutes, is amended  
 3 to read:

4 **1-2-201. Registration required - deadline.** (2) Each elector  
 5 registering shall sign his or her name on the registration record or, if  
 6 unable to write, shall make a personal mark or be provided assistance to  
 7 make such a mark by the county clerk and recorder or any other person  
 8 authorized by the county clerk and recorder or the elector. The elector  
 9 shall answer the questions required by section 1-2-204, ~~and shall~~  
 10 complete the self-affirmation required by section 1-2-205, AND, IF  
 11 NECESSARY, PROVIDE PROOF OF CITIZENSHIP AS SPECIFIED IN SECTION  
 12 1-2-205.5.

13 **SECTION 2.** Part 2 of article 2 of title 1, Colorado Revised

1 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
2 read:

3 **1-2-205.5. Proof of citizenship.** (1) EXCEPT AS PROVIDED IN  
4 SUBSECTION (5) OF THIS SECTION, THE COUNTY CLERK AND RECORDER OR  
5 DEPUTY REGISTRAR SHALL NOT REGISTER AN ELIGIBLE ELECTOR APPLYING  
6 FOR REGISTRATION UNLESS THE ELECTOR SUBMITS PROOF OF CITIZENSHIP  
7 TO THE COUNTY CLERK AND RECORDER OR DEPUTY REGISTRAR.

8 (2) AN ELIGIBLE ELECTOR SHALL ESTABLISH PROOF OF CITIZENSHIP  
9 BY PROVIDING:

10 (a) A UNITED STATES PASSPORT, OR A LEGIBLE PHOTOCOPY OF THE  
11 PERTINENT PAGES OF THE PASSPORT, IDENTIFYING THE ELECTOR AND  
12 SHOWING THE PASSPORT NUMBER;

13 (b) THE ELECTOR'S BIRTH CERTIFICATE OR A LEGIBLE PHOTOCOPY  
14 OF THE BIRTH CERTIFICATE;

15 (c) THE ELECTOR'S UNITED STATES NATURALIZATION  
16 DOCUMENTATION, A LEGIBLE PHOTOCOPY OF THE NATURALIZATION  
17 DOCUMENTATION, OR THE NUMBER OF THE ELECTOR'S CERTIFICATE OF  
18 NATURALIZATION; EXCEPT THAT AN ELECTOR WHO PROVIDES THE NUMBER  
19 OF THE CERTIFICATE OF NATURALIZATION IN LIEU OF THE NATURALIZATION  
20 DOCUMENTATION SHALL NOT BE REGISTERED UNTIL THE COUNTY CLERK  
21 AND RECORDER VERIFIES THE NUMBER WITH THE UNITED STATES  
22 CITIZENSHIP AND IMMIGRATION SERVICES IN THE DEPARTMENT OF  
23 HOMELAND SECURITY OR ITS SUCCESSOR; OR

24 (d) ANY DOCUMENT OR METHOD OF PROOF OF CITIZENSHIP  
25 ESTABLISHED BY THE FEDERAL "IMMIGRATION REFORM AND CONTROL  
26 ACT OF 1986", PUB.L. 99-603, AS AMENDED.

27 (3) FOR PURPOSES OF THIS SECTION, PROOF OF VOTER

1 REGISTRATION FROM ANOTHER STATE SHALL NOT BE CONSIDERED PROOF  
2 OF CITIZENSHIP.

3 (4) A PERSON WHO IS A REGISTERED ELECTOR AS OF JULY 1, 2011,  
4 IS DEEMED TO HAVE PROVIDED PROOF OF CITIZENSHIP PURSUANT TO THIS  
5 SECTION.

6 (5) A REGISTERED ELECTOR IS NOT REQUIRED TO SUBMIT PROOF OF  
7 CITIZENSHIP WHEN THE ELECTOR:

8 (a) MOVES WITHIN A COUNTY AND CHANGES THE ELECTOR'S  
9 ADDRESS ON THE REGISTRATION RECORD PURSUANT TO SECTION 1-2-216;

10 (b) MOVES FROM ONE COUNTY TO ANOTHER COUNTY WITHIN THE  
11 STATE AND HAS COMPLETED AN EMERGENCY REGISTRATION AFFIDAVIT IN  
12 ACCORDANCE WITH THE PROVISIONS OF SECTION 1-2-217.5;

13 (c) CHANGES THE ELECTOR'S NAME ON THE REGISTRATION RECORD  
14 PURSUANT TO SECTION 1-2-218;

15 (d) DECLARES AN AFFILIATION WITH A POLITICAL PARTY OR  
16 POLITICAL ORGANIZATION PURSUANT TO SECTION 1-2-218.5; OR

17 (e) CHANGES OR WITHDRAWS AN AFFILIATION WITH A POLITICAL  
18 PARTY OR ORGANIZATION PURSUANT TO SECTION 1-2-219.

19 (6) THE COUNTY CLERK AND RECORDER SHALL NOT REGISTER A  
20 PERSON WHO APPLIES TO REGISTER BY COMPLETING A PROVISIONAL  
21 BALLOT AFFIDAVIT PURSUANT TO SECTION 1-8.5-103 (2) (a), 1-8.5-107 (1)  
22 OR (2) (c), OR 1-8.5-108 UNTIL SUCH PERSON PROVIDES PROOF OF  
23 CITIZENSHIP PURSUANT TO THIS SECTION.

24 (7) THE REQUIREMENTS OF THIS SECTION SHALL NOT APPLY TO AN  
25 ABSENT UNIFORMED SERVICES ELECTOR, A NONRESIDENT OVERSEAS  
26 ELECTOR, OR A RESIDENT OVERSEAS ELECTOR, WHO APPLIES TO REGISTER  
27 BY FEDERAL POSTCARD APPLICATION IN ACCORDANCE WITH SECTION

1 1-2-208 OR 1-2-209.

2 **SECTION 3.** 1-2-213 (2) (a), Colorado Revised Statutes, is  
3 amended to read:

4 **1-2-213. Registration at driver's license examination facilities.**

5 (2) (a) An applicant who wishes to complete an application for  
6 registration shall read and answer the questions required by section  
7 1-2-204, ~~and shall~~ PROVIDE PROOF OF CITIZENSHIP PURSUANT TO SECTION  
8 1-2-205.5, AND make a self-affirmation by signing the following  
9 statement: "I, ....., do solemnly affirm that I am a citizen of the  
10 United States and that on the date of the next election I shall have attained  
11 the age of eighteen years and shall have resided in the state of Colorado  
12 at least thirty days and in my precinct at least thirty days before the  
13 election. I further affirm that the present address I listed herein is my sole  
14 legal place of residence and that I claim no other place as my legal  
15 residence." Each application for registration shall bear the following  
16 statement: "Warning: It is a class 1 misdemeanor to affirm falsely as to  
17 your qualifications to register to vote."

18 **SECTION 4.** 1-2-217.5 (1) (b), Colorado Revised Statutes, is  
19 amended to read:

20 **1-2-217.5. Change in residence before close of registration -  
21 emergency registration at office of county clerk and recorder.**

22 (1) Notwithstanding the provisions of sections 1-2-101 and 1-2-102, an  
23 elector may register to vote in an election after the registration books of  
24 the county clerk and recorder are closed for that election by completing  
25 an emergency registration affidavit as prescribed by the secretary of state  
26 if the elector:

27 (b) Complies with the requirements of section 1-2-204 (1) and (2)

1 AND PROVIDES PROOF OF CITIZENSHIP PURSUANT TO SECTION 1-2-205.5.

2 **SECTION 5.** 1-8.5-103 (2) (a), Colorado Revised Statutes, is  
3 amended to read:

4 **1-8.5-103. Provisional ballot affidavit.** (2) (a) The provisional  
5 ballot affidavit shall constitute a voter registration application for the  
6 voter for future elections, AND THE COUNTY CLERK AND RECORDER SHALL  
7 TRANSFER any previous voter registration RECORD for the voter ~~shall be~~  
8 ~~cancelled~~ pursuant to section 1-2-603 (1).

9 **SECTION 6. Act subject to petition - effective date.** This act  
10 shall take effect at 12:01 a.m. on the day following the expiration of the  
11 ninety-day period after final adjournment of the general assembly (August  
12 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a  
13 referendum petition is filed pursuant to section 1 (3) of article V of the  
14 state constitution against this act or an item, section, or part of this act  
15 within such period, then the act, item, section, or part shall not take effect  
16 unless approved by the people at the general election to be held in  
17 November 2012 and shall take effect on the date of the official  
18 declaration of the vote thereon by the governor.