

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 22-0865.01 Jason Gelender x4330

SENATE BILL 22-152

SENATE SPONSORSHIP

Fenberg and Jaquez Lewis,

HOUSE SPONSORSHIP

(None),

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING AUTHORIZATION FOR A PERSON WHOSE RESIDENCE IS**
102 **DESTROYED OR BECOMES UNINHABITABLE TO CONTINUE TO USE**
103 **THE ADDRESS OF THE RESIDENCE AS THE PERSON'S RESIDENCE**
104 **FOR PURPOSES OF VOTING IF THE PERSON INTENDS TO RETURN**
105 **TO THE RESIDENCE ONCE IT IS REPLACED OR BECOMES**
106 **HABITABLE.**

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 allows a person whose residence has been destroyed or

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

SENATE
2nd Reading Unamended
March 18, 2022

rendered uninhabitable by a natural disaster or by other means to maintain residency for purposes of voting at the address of the destroyed residence if the person intends to return to the residence once it is replaced or becomes habitable. In such a case, the person's residence given for motor vehicle registration and for state income tax purposes is not required to be the same as the person's residence for voting purposes.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-2-102, **amend**
3 (1)(a)(I) and (1)(c); and **add** (1)(a)(I.5) as follows:

4 **1-2-102. Rules for determining residence.** (1) The following
5 rules shall be used to determine the residence of a person intending to
6 register or to vote in any precinct in this state and shall be used by
7 election judges in challenge procedures:

8 (a) (I) The residence of a person is the principal or primary home
9 or place of abode of a person. A principal or primary home or place of
10 abode is that home or place in which a person's habitation is fixed and to
11 which that person, whenever absent, has the present intention of returning
12 after a departure or absence, regardless of the duration of the absence.
13 EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, a residence is a
14 permanent building or part of a building and may include a house,
15 condominium, apartment, room in a house, or mobile home. No vacant lot
16 or business address shall be considered a residence.

17 (I.5) IF THE RESIDENCE OF AN ELECTOR IS DESTROYED OR BECOMES
18 UNINHABITABLE, DUE TO A NATURAL DISASTER OR FOR ANY OTHER
19 REASON, AND THE ELECTOR HAS THE PRESENT INTENTION OF RETURNING
20 TO THE RESIDENCE ONCE IT IS HABITABLE OR RETURNING TO A NEWLY
21 CONSTRUCTED RESIDENCE AT THE SAME ADDRESS, THE ELECTOR MAY
22 CONTINUE TO USE THE ADDRESS OF THE DESTROYED OR UNINHABITABLE

1 RESIDENCE AS THE ELECTOR'S RESIDENCE.

2 (c) The residence given for voting purposes shall be the same as
3 the residence given for motor vehicle registration and for state income tax
4 purposes; EXCEPT THAT THIS SUBSECTION (1)(c) DOES NOT APPLY TO AN
5 ELECTOR USING THE ADDRESS OF A DESTROYED OR UNINHABITABLE
6 RESIDENCE AS THE ELECTOR'S RESIDENCE PURSUANT TO SUBSECTION
7 (1)(a)(I.5) OF THIS SECTION.

8 **SECTION 2.** In Colorado Revised Statutes, 1-2-204, **amend**
9 (2)(b) as follows:

10 **1-2-204. Questions answered by elector - rules.** (2) In addition,
11 each elector shall correctly answer the following:

12 (b) The elector's place of residence, including municipal address
13 with street number or, if there is no street number, by legal description of
14 the land upon which the residence sits, including lot, block, addition,
15 division, or subdivision, as applicable. In all other cases, the residence
16 shall be described by the section or subdivision in the township and range
17 as established and numbered by the United States government survey. If
18 the place of residence is an apartment house, rooming house, dormitory,
19 hotel, or motel, the number of the floor and the number of the apartment
20 or room shall also be given. EXCEPT AS ALLOWED BY SECTION 1-2-102
21 (1)(a), no vacant lot or business address shall be considered a residence.
22 A post office box number shall not be used as a place of residence for the
23 purposes of this subsection (2).

24 **SECTION 3.** In Colorado Revised Statutes, 31-10-201, **add** (3)(f)
25 as follows:

26 **31-10-201. Qualifications of municipal electors.** (3) The judges
27 of election, in determining the residence of a person offering to vote, shall

1 be governed by the following rules, so far as they may be applicable:

2 (f) IF THE RESIDENCE OF A PERSON IS DESTROYED OR BECOMES
3 UNINHABITABLE, DUE TO A NATURAL DISASTER OR FOR ANY OTHER
4 REASON, AND THE PERSON HAS THE PRESENT INTENTION OF RETURNING TO
5 THE RESIDENCE ONCE IT IS HABITABLE OR RETURNING TO A NEWLY
6 CONSTRUCTED RESIDENCE AT THE SAME ADDRESS, THE PERSON MAY
7 CONTINUE TO USE THE ADDRESS OF THE DESTROYED OR UNINHABITABLE
8 RESIDENCE AS THE PERSON'S RESIDENCE FOR PURPOSES OF THIS SECTION.
9 THE RESIDENCE GIVEN FOR MOTOR VEHICLE REGISTRATION AND FOR STATE
10 INCOME TAX PURPOSES MAY BE DIFFERENT FROM THE ADDRESS GIVEN FOR
11 VOTING PURPOSES PURSUANT TO THIS SUBSECTION (3)(f).

12 **SECTION 4. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, or safety.