

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0225.01 Alison Killen x4350

HOUSE BILL 24-1067

HOUSE SPONSORSHIP

Ortiz,

SENATE SPONSORSHIP

(None),

House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING BALLOT ACCESS FOR CANDIDATES WITH DISABILITIES.

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 requires the general assembly, the secretary of state, and each political party to ensure that the caucus process or any future alternative process by which candidates may access the ballot that is accessible to persons with disabilities remains an option in the state. The bill specifies that the petition process is not a means of ballot access that is accessible to persons with disabilities. In addition, the bill requires that, within 6 months of the effective date of the bill, any person, upon request, must be able to participate in a precinct caucus or a party assembly with

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.

the use of a video conferencing platform that is accessible to persons with disabilities unless the precinct caucus or party assembly is held in a geographic location that lacks broadband internet service.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) The rights of all persons to access and participate in all levels
5 of government is critical to the functions of democracy;

6 (b) Despite the passage of the "Americans with Disabilities Act
7 of 1990", which provided for the beginnings of basic access for persons
8 with disabilities, many persons with disabilities are still denied access to
9 and participation in government at all levels; and

10 (c) Persons with disabilities have remained unable to participate
11 fully and equally in meetings, such as caucuses held in inaccessible
12 locations, committee meetings that do not provide for remote testimony,
13 and live events in many locations in the state capitol building and other
14 government buildings that predate the "Americans with Disabilities Act
15 of 1990".

16 (2) The general assembly further finds and declares that:

17 (a) It is the public policy of the state to promote equitable access
18 to and participation in government for persons with disabilities at all
19 levels and all stages of the governmental process; and

20 (b) Resources such as the governor's office of information
21 technology; the Colorado commission for the deaf, hard of hearing, and
22 deafblind; and the open media foundation are available to provide
23 assistance in implementing the requirements of this act.

24 **SECTION 2.** In Colorado Revised Statutes, **add** 1-1-116 as

1 follows:

2 **1-1-116. Access to precinct caucus - party assembly.** (1) THE
3 GENERAL ASSEMBLY, THE SECRETARY OF STATE, AND EACH POLITICAL
4 PARTY SHALL ENSURE THAT THE CAUCUS PROCESS OR ANY FUTURE
5 ALTERNATIVE PROCESS BY WHICH CANDIDATES MAY ACCESS THE BALLOT
6 THAT IS ACCESSIBLE TO PERSONS WITH DISABILITIES REMAINS AN OPTION
7 IN THE STATE. THE PETITION PROCESS BY WHICH CANDIDATES MAY ACCESS
8 THE BALLOT IS NOT A MEANS OF BALLOT ACCESS THAT IS ACCESSIBLE TO
9 PERSONS WITH DISABILITIES AS REQUIRED BY THIS SUBSECTION (1).

10 (2) (a) NOTWITHSTANDING ANY PROVISION TO THE CONTRARY,
11 WITHIN SIX MONTHS OF THE EFFECTIVE DATE OF THIS SECTION, ANY
12 PERSON, UPON REQUEST, MUST BE ABLE TO PARTICIPATE IN A PRECINCT
13 CAUCUS OR A PARTY ASSEMBLY WITH THE USE OF A VIDEO CONFERENCING
14 PLATFORM. THE POLITICAL PARTY HOLDING THE CAUCUS OR ASSEMBLY
15 MUST ALLOW PARTICIPATION WITH THE USE OF A VIDEO CONFERENCING
16 PLATFORM WITHOUT REQUIRING OR REQUESTING AN EXPLANATION OF THE
17 NEED FOR THE USE OF THE VIDEO CONFERENCING PLATFORM. IT IS IN A
18 POLITICAL PARTY'S DISCRETION TO DETERMINE WHICH VIDEO
19 CONFERENCING PLATFORM WILL BE USED FOR PRECINCT CAUCUSES AND
20 PARTY ASSEMBLIES SO LONG AS THE PLATFORM IS ACCESSIBLE TO PERSONS
21 WITH DISABILITIES. EACH POLITICAL PARTY MAY ESTABLISH POLICIES
22 REGARDING THE USE OF A VIDEO CONFERENCING PLATFORM.

23 (b) THE REQUIREMENTS OF SUBSECTION (2)(a) OF THIS SECTION DO
24 NOT APPLY WHEN A PRECINCT CAUCUS OR PARTY ASSEMBLY OCCURS IN A
25 GEOGRAPHIC LOCATION THAT IS IN AN UNSERVED AREA OF THE STATE, AS
26 DEFINED IN SECTION 40-15-102 (32).

27 (3) THE FAILURE OF ANY POLITICAL PARTY TO COMPLY WITH THE

1 REQUIREMENTS OF THIS SECTION CONSTITUTES DISCRIMINATION ON THE
2 BASIS OF DISABILITY IN VIOLATION OF SECTION 24-34-802. ANY PERSON
3 WHO IS SUBJECTED TO A VIOLATION OF THIS SECTION IS ENTITLED TO SEEK
4 ALL RELIEF PROVIDED IN SECTION 24-34-802.

5 **SECTION 3. Act subject to petition - effective date.** This act
6 takes effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly; except
8 that, if a referendum petition is filed pursuant to section 1 (3) of article V
9 of the state constitution against this act or an item, section, or part of this
10 act within such period, then the act, item, section, or part will not take
11 effect unless approved by the people at the general election to be held in
12 November 2024 and, in such case, will take effect on the date of the
13 official declaration of the vote thereon by the governor.