

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 24-0225.01 Alison Killen x4350

HOUSE BILL 24-1067

HOUSE SPONSORSHIP

Ortiz and Bradley,

SENATE SPONSORSHIP

Winter F.,

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.

HOUSE
Amended 2nd Reading
February 9, 2024

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; █

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"; and

16 █
17 (d) 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.

20 █

21 **SECTION 2.** In Colorado Revised Statutes, **add** 1-1-116 as
22 follows:

23 **1-1-116. Access to precinct caucus - party assembly.** (1) THE
24 GENERAL ASSEMBLY, THE SECRETARY OF STATE, AND EACH POLITICAL

1 PARTY SHALL ENSURE THAT THE CAUCUS PROCESS OR ANY FUTURE
2 ALTERNATIVE PROCESS BY WHICH CANDIDATES MAY ACCESS THE BALLOT
3 THAT IS ACCESSIBLE TO PERSONS WITH DISABILITIES REMAINS AN OPTION
4 IN THE STATE. THE PETITION PROCESS BY WHICH CANDIDATES MAY ACCESS
5 THE BALLOT IS NOT A MEANS OF BALLOT ACCESS THAT IS ACCESSIBLE TO
6 PERSONS WITH DISABILITIES AS REQUIRED BY THIS SUBSECTION (1).

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

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

26 (c) A POLITICAL PARTY HOLDING A PRECINCT CAUCUS OR PARTY
27 ASSEMBLY THAT IS EXEMPT PURSUANT TO SUBSECTION (2)(b) OF THIS

1 SECTION FROM THE REQUIREMENTS OF SUBSECTION (2)(a) OF THIS SECTION
2 MUST ALLOW PARTICIPATION WITH THE USE OF AN ALTERNATIVE TO A
3 VIDEO CONFERENCING PLATFORM, SUCH AS A TELEPHONE CONFERENCE
4 CALL. THE ALTERNATIVE MEANS OF PARTICIPATION USED BY A POLITICAL
5 PARTY IN ACCORDANCE WITH THIS SUBSECTION (2)(c) MUST BE
6 ACCESSIBLE TO PERSONS WITH DISABILITIES.

7 (d) A POLITICAL PARTY MAY REQUIRE THAT A PERSON REQUEST TO
8 PARTICIPATE IN A PRECINCT CAUCUS OR A PARTY ASSEMBLY WITH THE USE
9 OF A VIDEO CONFERENCING PLATFORM, OR AN ALTERNATIVE TO A VIDEO
10 CONFERENCING PLATFORM AS PROVIDED IN SUBSECTION (2)(c), NOT MORE
11 THAN THIRTY DAYS IN ADVANCE OF THE PRECINCT CAUCUS OR PARTY
12 ASSEMBLY.

13 (3) THE FAILURE OF ANY POLITICAL PARTY TO MAKE A
14 REASONABLE EFFORT TO COMPLY WITH THE REQUIREMENTS OF THIS
15 SECTION CONSTITUTES DISCRIMINATION ON THE BASIS OF DISABILITY IN
16 VIOLATION OF SECTION 24-34-802. ANY PERSON WHO IS SUBJECTED TO A
17 VIOLATION OF THIS SECTION IS ENTITLED TO SEEK ALL RELIEF PROVIDED IN
18 SECTION 24-34-802.

19 (4) ANY ACTION TAKEN PURSUANT TO THIS SECTION DOES NOT
20 LIMIT OR PRECLUDE A PERSON FROM SECURING OR RECOVERING ANY
21 OTHER AVAILABLE REMEDY INCLUDING ANY REMEDY PROVIDED BY THE
22 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
23 12101 ET SEQ., AS AMENDED, AND THE COLORADO ANTI-DISCRIMINATION
24 ACT, PARTS 3 THROUGH 8 OF ARTICLE 34 OF TITLE 24.

25 **SECTION 3. Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly; except

1 that, if a referendum petition is filed pursuant to section 1 (3) of article V
2 of the state constitution against this act or an item, section, or part of this
3 act within such period, then the act, item, section, or part will not take
4 effect unless approved by the people at the general election to be held in
5 November 2024 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.