

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 11-0270.02 Troy Bratton

HOUSE BILL 11-1252

HOUSE SPONSORSHIP

Holbert,

SENATE SPONSORSHIP

Harvey,

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE AUTHORITY OF THE SECRETARY OF STATE TO**
102 **REQUEST PROOF OF CITIZENSHIP OF ANY ELECTOR WHOSE NAME**
103 **APPEARS IN THE STATEWIDE VOTER REGISTRATION DATABASE**
104 **WHO THE SECRETARY OF STATE BELIEVES IS NOT A CITIZEN OF**
105 **THE UNITED STATES.**

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>.)

The bill requires the secretary of state to periodically check the

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.

statewide voter registration database against lists maintained by federal and state agencies to determine whether registered electors are citizens of the United States. If there is evidence that a registered elector is not a citizen, the bill requires the secretary of state to notify the registered elector. The registered elector must, within 90 days of receipt of such notice, provide proof of citizenship to the secretary of state.

If the registered elector does not have proof and cannot obtain a birth certificate for financial reasons, the secretary of state will either certify the registered elector's name to the state registrar for vital statistics and request a copy of the birth certificate or, for electors born in a state other than Colorado, request from the appropriate governmental entity the registered elector's birth certificate.

If the registered elector does not provide proof of citizenship, the county clerk and recorder will mark the registered elector's registration record "Incomplete". An elector whose record has been marked "Incomplete" for failure to provide proof of citizenship may, within 6 years, be reinstated by providing proof of citizenship. An elector whose record has been marked "Incomplete" for failure to provide proof of citizenship and who tries to reregister must provide proof of citizenship or the registration will remain marked as "Incomplete".

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

2 **SECTION 1.** 1-2-302 (3.5), Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

4 **1-2-302. Maintenance of computerized statewide voter**
5 **registration list - proof of citizenship - confidentiality.**

6 (3.5) (c) (I) THE SECRETARY OF STATE SHALL COORDINATE THE
7 COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST WITH RELEVANT
8 FEDERAL AND STATE AGENCY RECORDS, AS DETERMINED BY RULES
9 PROMULGATED BY THE SECRETARY OF STATE PURSUANT TO ARTICLE 4 OF
10 TITLE 24, C.R.S., INCLUDING BUT NOT LIMITED TO RECORDS PERTAINING
11 TO DEPARTMENT OF REVENUE DATA, JURY RECUSAL LISTS, AND FEDERAL
12 DATABASES THAT CONTAIN INFORMATION RELATED TO IMMIGRATION
13 STATUS. IF EVIDENCE EXISTS THAT A PARTICULAR REGISTERED ELECTOR
14 IS NOT A CITIZEN OF THE UNITED STATES, THE SECRETARY OF STATE SHALL

1 SEND NOTICE TO THE REGISTERED ELECTOR OF THE SECRETARY OF STATE'S
2 BELIEF THAT THE REGISTERED ELECTOR IS NOT A CITIZEN OF THE UNITED
3 STATES.

4 (II) ANY REGISTERED ELECTOR WHO RECEIVES THE NOTICE
5 SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (c) SHALL, WITHIN
6 NINETY DAYS OF THE RECEIPT OF THE NOTICE, PROVIDE PROOF OF
7 CITIZENSHIP TO THE SECRETARY OF STATE. FOR PURPOSES OF THIS
8 SUBPARAGRAPH (II), PROOF OF CITIZENSHIP INCLUDES:

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

12 (B) THE ELECTOR'S BIRTH CERTIFICATE OR A LEGIBLE PHOTOCOPY
13 OF THE BIRTH CERTIFICATE;

14 (C) THE ELECTOR'S UNITED STATES NATURALIZATION
15 DOCUMENTATION, A LEGIBLE PHOTOCOPY OF THE NATURALIZATION
16 DOCUMENTATION, OR THE NUMBER OF THE ELECTOR'S CERTIFICATE OF
17 NATURALIZATION; EXCEPT THAT AN ELECTOR WHO PROVIDES THE NUMBER
18 OF THE CERTIFICATE OF NATURALIZATION IN LIEU OF THE NATURALIZATION
19 DOCUMENTATION SHALL NOT BE DEEMED TO HAVE PROVIDED PROOF OF
20 CITIZENSHIP UNTIL THE SECRETARY OF STATE VERIFIES THE NUMBER WITH
21 THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES IN THE
22 DEPARTMENT OF HOMELAND SECURITY OR ITS SUCCESSOR; OR

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

26 (III) ANY REGISTERED ELECTOR WHO RECEIVES THE NOTICE
27 SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (c) BUT WHO DOES

1 NOT HAVE IN HIS OR HER POSSESSION PROOF OF CITIZENSHIP AS SPECIFIED
2 IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (c) AND WHO CANNOT PAY THE
3 FEES REQUIRED BY A GOVERNMENTAL ENTITY TO OBTAIN SUCH PROOF MAY
4 RESPOND TO THE NOTICE BY CLAIMING A FINANCIAL HARDSHIP AND
5 INDICATING HIS OR HER PLACE OF BIRTH. UPON RECEIPT OF A REGISTERED
6 ELECTOR'S CLAIM OF FINANCIAL HARDSHIP AND PLACE OF BIRTH, THE
7 SECRETARY OF STATE SHALL:

8 (A) IF THE REGISTERED ELECTOR INDICATES THAT HE OR SHE WAS
9 BORN IN THE STATE OF COLORADO, CERTIFY TO THE OFFICE OF STATE
10 REGISTRAR OF VITAL STATISTICS, AS CREATED IN SECTION 25-2-103 (1),
11 C.R.S., THE NAME OF THE REGISTERED ELECTOR. UPON RECEIPT OF SUCH
12 CERTIFICATION, THE STATE REGISTRAR SHALL PROVIDE, AT NO CHARGE, A
13 CERTIFIED COPY OF THE REGISTERED ELECTOR'S BIRTH CERTIFICATE TO THE
14 REGISTERED ELECTOR AND TO THE SECRETARY OF STATE.

15 (B) IF THE REGISTERED ELECTOR INDICATES THAT HE OR SHE WAS
16 BORN IN A STATE OTHER THAN COLORADO, CONTACT THE APPROPRIATE
17 GOVERNMENTAL ENTITY IN THE STATE IN WHICH THE REGISTERED ELECTOR
18 WAS BORN, REQUEST THAT A CERTIFIED COPY OF THE ELECTOR'S BIRTH
19 CERTIFICATE BE MAILED TO THE REGISTERED ELECTOR AND THE
20 SECRETARY OF STATE, AND PAY ANY FEE OR CHARGE REQUIRED BY THE
21 GOVERNMENTAL ENTITY.

22 (IV) IF THE REGISTERED ELECTOR DOES NOT PROVIDE PROOF OF
23 CITIZENSHIP WITHIN NINETY DAYS OF THE RECEIPT OF THE NOTIFICATION,
24 THE COUNTY CLERK AND RECORDER SHALL MARK THE REGISTRATION
25 RECORD OF THE REGISTERED ELECTOR "INCOMPLETE" AND THE ELECTOR
26 SHALL NOT BE PERMITTED TO VOTE UNTIL THE ELECTOR'S REGISTRATION
27 RECORD IS COMPLETED.

1 (V) IF A PREVIOUSLY REGISTERED ELECTOR WHOSE REGISTRATION
2 RECORD IS MARKED "INCOMPLETE" FOR FAILURE TO PROVIDE PROOF OF
3 CITIZENSHIP PURSUANT TO THIS PARAGRAPH (c) PROVIDES PROOF OF
4 CITIZENSHIP TO THE SECRETARY OF STATE OR THE COUNTY CLERK AND
5 RECORDER WITHIN SIX YEARS OF THE DATE ON WHICH THE ELECTOR'S
6 RECORD WAS MARKED "INCOMPLETE", THE SECRETARY OF STATE SHALL
7 DELETE THE "INCOMPLETE" NOTATION, AND GIVE THE ELECTOR A
8 CERTIFICATE OF REGISTRATION.

9 (VI) ANY PREVIOUSLY REGISTERED ELECTOR WHOSE
10 REGISTRATION RECORD IS MARKED "INCOMPLETE" FOR FAILURE TO
11 PROVIDE PROOF OF CITIZENSHIP PURSUANT TO THIS PARAGRAPH (c) AND
12 WHO ATTEMPTS TO REREGISTER SHALL PROVIDE PROOF OF CITIZENSHIP. IF
13 THE ELECTOR DOES NOT PROVIDE PROOF OF CITIZENSHIP, THE
14 REGISTRATION SHALL REMAIN MARKED AS "INCOMPLETE" AND THE
15 ELECTOR SHALL NOT BE REGISTERED UNTIL HE OR SHE PROVIDES PROOF OF
16 CITIZENSHIP.

17 (VII) THE SECRETARY OF STATE SHALL PROMULGATE RULES IN
18 ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., AS MAY BE NECESSARY
19 TO ADMINISTER AND ENFORCE ANY REQUIREMENT OF THIS SECTION.

20 **SECTION 2. Effective date.** This act shall take effect January
21 1, 2012.

22 **SECTION 3. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, and safety.