

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

ENGROSSED

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

LLS NO. 11-0270.02 Troy Bratton

HOUSE BILL 11-1252

HOUSE SPONSORSHIP

Holbert,

SENATE SPONSORSHIP

Harvey,

House Committees

State, Veterans, & Military Affairs
Appropriations

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, AND MAKING AN APPROPRIATION**
106 **THEREFOR.**

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>.)

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.*

HOUSE
Amended 2nd Reading
April 7, 2011

The bill requires the secretary of state to periodically check the 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. Legislative declaration.** The general assembly
3 hereby finds and declares that this act is consistent and complies with
4 both the federal "National Voter Registration Act of 1993", 42 U.S.C. sec.
5 1973gg, as amended, and the court order in the case denominated
6 *Common Cause of Colorado, et al. v. Buescher*, Civil Action No.
7 08 CV 2321 JLK, in the United States district court for the district of
8 Colorado, because the registration record of those registered electors who
9 do not provide proof of citizenship is merely marked "Incomplete" and
10 the registration record is not canceled.

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

13 **1-2-302. Maintenance of computerized statewide voter**

1 **registration list - proof of citizenship - confidentiality.**

2 (3.5) (c) (I) THE SECRETARY OF STATE SHALL COORDINATE THE
3 COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST WITH RELEVANT
4 FEDERAL AND STATE AGENCY RECORDS, AS DETERMINED BY RULES
5 PROMULGATED BY THE SECRETARY OF STATE PURSUANT TO ARTICLE 4 OF
6 TITLE 24, C.R.S., INCLUDING BUT NOT LIMITED TO RECORDS PERTAINING
7 TO DEPARTMENT OF REVENUE DATA, JURY RECUSAL LISTS, AND FEDERAL
8 DATABASES THAT CONTAIN INFORMATION RELATED TO IMMIGRATION
9 STATUS. IF EVIDENCE EXISTS THAT A PARTICULAR REGISTERED ELECTOR
10 IS NOT A CITIZEN OF THE UNITED STATES, THE SECRETARY OF STATE SHALL
11 SEND NOTICE, RETURN RECEIPT REQUESTED, TO THE REGISTERED ELECTOR
12 OF THE SECRETARY OF STATE'S BELIEF THAT THE REGISTERED ELECTOR IS
13 NOT A CITIZEN OF THE UNITED STATES; EXCEPT THAT NO SUCH NOTICE
14 SHALL BE SENT AFTER THE NINETY-FIRST DAY PRECEDING THE DEADLINE
15 FOR REGISTRATION SPECIFIED IN SECTION 1-2-201 (3).

16 (II) ANY REGISTERED ELECTOR WHO RECEIVES THE NOTICE
17 SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (c) SHALL, WITHIN
18 NINETY DAYS OF THE RECEIPT OF THE NOTICE, AS EVIDENCED BY THE
19 ELECTOR'S SIGNATURE OR THE SIGNATURE OF A PERSON IN THE ELECTOR'S
20 HOUSEHOLD ON THE RETURN RECEIPT CARD, PROVIDE PROOF OF
21 CITIZENSHIP TO THE SECRETARY OF STATE. FOR PURPOSES OF THIS
22 SUBPARAGRAPH (II), PROOF OF CITIZENSHIP INCLUDES:

23 (A) A UNITED STATES PASSPORT, OR, IN THE SECRETARY OF
24 STATE'S DISCRETION, A LEGIBLE PHOTOCOPY OF THE PERTINENT PAGES OF
25 THE PASSPORT, IDENTIFYING THE ELECTOR AND SHOWING THE PASSPORT
26 NUMBER;

27 (B) THE ELECTOR'S BIRTH CERTIFICATE OR, IN THE SECRETARY OF

1 STATE'S DISCRETION, A LEGIBLE PHOTOCOPY OF THE BIRTH CERTIFICATE;

2 (C) THE ELECTOR'S UNITED STATES NATURALIZATION
3 DOCUMENTATION, OR, IN THE SECRETARY OF STATE'S DISCRETION, A
4 LEGIBLE PHOTOCOPY OF THE NATURALIZATION DOCUMENTATION, OR THE
5 NUMBER OF THE ELECTOR'S CERTIFICATE OF NATURALIZATION; EXCEPT
6 THAT AN ELECTOR WHO PROVIDES THE NUMBER OF THE CERTIFICATE OF
7 NATURALIZATION IN LIEU OF THE NATURALIZATION DOCUMENTATION
8 SHALL NOT BE DEEMED TO HAVE PROVIDED PROOF OF CITIZENSHIP UNTIL
9 THE SECRETARY OF STATE VERIFIES THE NUMBER WITH THE UNITED
10 STATES CITIZENSHIP AND IMMIGRATION SERVICES IN THE DEPARTMENT OF
11 HOMELAND SECURITY OR ITS SUCCESSOR; OR

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

15 (E) ANY DOCUMENTATION IDENTIFIED UNDER THE FEDERAL I-9
16 EMPLOYMENT ELIGIBILITY VERIFICATION FORM.

17 (III) ANY REGISTERED ELECTOR WHO RECEIVES THE NOTICE
18 SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (c) BUT WHO DOES
19 NOT HAVE IN HIS OR HER POSSESSION PROOF OF CITIZENSHIP AS SPECIFIED
20 IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (c) AND WHO CANNOT PAY THE
21 FEES REQUIRED BY A GOVERNMENTAL ENTITY TO OBTAIN SUCH PROOF MAY
22 RESPOND TO THE NOTICE BY CLAIMING A FINANCIAL HARDSHIP AND
23 INDICATING HIS OR HER PLACE OF BIRTH. UPON RECEIPT OF A REGISTERED
24 ELECTOR'S CLAIM OF FINANCIAL HARDSHIP AND PLACE OF BIRTH, THE
25 SECRETARY OF STATE SHALL:

26 (A) IF THE REGISTERED ELECTOR INDICATES THAT HE OR SHE WAS
27 BORN IN THE STATE OF COLORADO, CERTIFY TO THE OFFICE OF STATE

1 REGISTRAR OF VITAL STATISTICS, AS CREATED IN SECTION 25-2-103 (1),
2 C.R.S., THE NAME OF THE REGISTERED ELECTOR. UPON RECEIPT OF SUCH
3 CERTIFICATION, THE STATE REGISTRAR SHALL PROVIDE, AT NO CHARGE, A
4 CERTIFIED COPY OF THE REGISTERED ELECTOR'S BIRTH CERTIFICATE TO THE
5 REGISTERED ELECTOR AND TO THE SECRETARY OF STATE.

6 (B) IF THE REGISTERED ELECTOR INDICATES THAT HE OR SHE WAS
7 BORN IN A STATE OTHER THAN COLORADO, CONTACT THE APPROPRIATE
8 GOVERNMENTAL ENTITY IN THE STATE IN WHICH THE REGISTERED ELECTOR
9 WAS BORN, REQUEST THAT A CERTIFIED COPY OF THE ELECTOR'S BIRTH
10 CERTIFICATE BE MAILED TO THE REGISTERED ELECTOR AND THE
11 SECRETARY OF STATE, AND PAY ANY FEE OR CHARGE REQUIRED BY THE
12 GOVERNMENTAL ENTITY.

13 (IV) IF THE REGISTERED ELECTOR DOES NOT PROVIDE PROOF OF
14 CITIZENSHIP WITHIN NINETY DAYS OF THE RECEIPT OF THE NOTIFICATION,
15 THE COUNTY CLERK AND RECORDER SHALL MARK THE REGISTRATION
16 RECORD OF THE REGISTERED ELECTOR "INCOMPLETE" AND THE ELECTOR
17 SHALL NOT BE PERMITTED TO VOTE UNTIL THE ELECTOR'S REGISTRATION
18 RECORD IS COMPLETED.

19 (V) IF A PREVIOUSLY REGISTERED ELECTOR WHOSE REGISTRATION
20 RECORD IS MARKED "INCOMPLETE" FOR FAILURE TO PROVIDE PROOF OF
21 CITIZENSHIP PURSUANT TO THIS PARAGRAPH (c) PROVIDES PROOF OF
22 CITIZENSHIP TO THE SECRETARY OF STATE OR THE COUNTY CLERK AND
23 RECORDER WITHIN SIX YEARS OF THE DATE ON WHICH THE ELECTOR'S
24 RECORD WAS MARKED "INCOMPLETE", THE SECRETARY OF STATE SHALL
25 DELETE THE "INCOMPLETE" NOTATION, AND GIVE THE ELECTOR A
26 CERTIFICATE OF REGISTRATION.

27 (VI) ANY PREVIOUSLY REGISTERED ELECTOR WHOSE

1 REGISTRATION RECORD IS MARKED "INCOMPLETE" FOR FAILURE TO
2 PROVIDE PROOF OF CITIZENSHIP PURSUANT TO THIS PARAGRAPH (c) AND
3 WHO ATTEMPTS TO REREGISTER SHALL PROVIDE PROOF OF CITIZENSHIP. IF
4 THE ELECTOR DOES NOT PROVIDE PROOF OF CITIZENSHIP, THE
5 REGISTRATION SHALL REMAIN MARKED AS "INCOMPLETE" AND THE
6 ELECTOR SHALL NOT BE REGISTERED UNTIL HE OR SHE PROVIDES PROOF OF
7 CITIZENSHIP.

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

11 **SECTION 3. Appropriation.** (1) In addition to any other
12 appropriation, there is hereby appropriated, out of any moneys in the
13 department of state cash fund created in section 24-21-104 (3) (b),
14 Colorado Revised Statutes, not otherwise appropriated, to the department
15 of state, for the fiscal year beginning July 1, 2011, the sum of twelve
16 thousand sixty dollars (\$12,060) cash funds, or so much thereof as may
17 be necessary, for the implementation of this act.

18 (2) In addition to any other appropriation, there is hereby
19 appropriated, out of any moneys in the vital statistics records cash fund
20 created in section 25-2-121 (2) (b) (I), Colorado Revised Statutes, not
21 otherwise appropriated, to the department of public health and
22 environment, for allocation to the center for health and environmental
23 information, for the fiscal year beginning July 1, 2011, the sum of
24 nineteen thousand four hundred twenty-five dollars (\$19,425) cash funds,
25 or so much thereof as may be necessary, for the implementation of this
26 act.

27 **SECTION 4. Effective date.** This act shall take effect January

1 1, 2012.

2 **SECTION 5. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, and safety.