

**Referendum I
Domestic Partnerships**

1 **Referendum I proposes a change to the Colorado statutes that:**

- 2 ◆ creates a new legal relationship, called a domestic partnership, providing
3 same-sex couples the opportunity to obtain the legal protections and
4 responsibilities granted to married couples by Colorado law;
- 5 ◆ defines the criteria and process for entering into a domestic partnership; and
- 6 ◆ specifies that domestic partnerships are not marriage and do not change the
7 public policy of the state, which defines marriage as only the union of one man
8 and one woman.

9 **Summary and Analysis**

10 Under Colorado law, there is no process for same-sex couples to establish a legally
11 binding relationship with legal protections, benefits, and responsibilities. Referendum I
12 creates such a process, beginning February 12, 2007, and gives domestic partners the legal
13 rights and responsibilities that spouses have. The legislature is required to pass laws to
14 implement the provisions of Referendum I.

15 ***Domestic partnerships under Referendum I.*** Referendum I provides domestic
16 partners legal rights, responsibilities, and benefits, including:

- 17 • jointly holding property with rights of inheritance;
- 18 • jointly incurring and being liable for debt;
- 19 • covering a partner as a dependent under policies for life insurance and health
20 care;
- 21 • family leave benefits;
- 22 • committing a partner to a mental health facility;
- 23 • protection under the state's domestic violence laws; and
- 24 • disposing of a deceased partner's last remains.

25 Under Referendum I, Colorado laws that apply to spouses also apply to domestic
26 partners, including laws that:

- 27 • pertain to medical care decisions, hospital visitation, and terminal care
28 documents;
- 29 • grant workers' compensation payments to spouses and dependents;

- 1 • allow civil lawsuits based on spousal status, such as lawsuits for wrongful
- 2 death;
- 3 • prohibit discrimination based on spousal status in areas such as housing and
- 4 employment; and
- 5 • govern legal separation, divorce, property division, spousal maintenance, and
- 6 child custody and support.

7 Currently, same-sex couples may sign legal documents for some protections and
8 benefits, including the right to make medical decisions and to jointly hold and to inherit
9 property. Other rights, such as filing suit for wrongful death, accessing a partner's workers'
10 compensation benefits, or collecting child support, can only be granted by law. Therefore,
11 they are not currently available to same-sex couples.

12
13 Referendum I specifically prohibits domestic partners from filing a joint state
14 income tax return. Additionally, it permits a child placement agency to refuse to place a
15 child with domestic partners for adoption if the agency objects on religious grounds.

16 ***Creating domestic partnerships.*** Individuals entering into a domestic partnership
17 must be at least eighteen years of age and of the same sex. Individuals cannot enter into
18 a domestic partnership with an ancestor, descendant, sibling, aunt, uncle, niece, or nephew,
19 or a person who is married or in another domestic partnership.

20 Parties to a domestic partnership are required to obtain a license. The license may
21 be certified by an individual such as a judge or member of the clergy, or the parties may
22 certify the partnership themselves. The domestic partnership is then registered with the
23 state.

24 ***Recognition of domestic partnerships.*** Federal law allows each state to determine
25 whether it recognizes a legal relationship between same-sex couples established in another
26 state. Under Referendum I, only domestic partnerships that are registered in Colorado are
27 valid in Colorado. Other states will determine whether to recognize domestic partnerships
28 registered in Colorado.

29 The federal government uses marital status as the qualification for a number of
30 federally regulated rights and responsibilities. Examples include the ability to jointly file
31 federal taxes, receive Social Security survivor and disability benefits, and obtain work and
32 residency visas for foreign spouses. Referendum I does not extend any of these federal
33 rights and responsibilities to domestic partners in Colorado.

1 **Arguments For**

2 (1) Committed same-sex couples deserve access to the legal protections,
3 responsibilities, and benefits automatically granted to married couples. Many of these
4 cannot be accessed through legal documents. Referendum I provides these legal
5 protections while making no change to the legal status of marriage, which consists of the
6 union of one man and one woman.

7 (2) Establishing legal standards of responsibility and a framework for resolving
8 disputes for same-sex couples is in the state's interest. By holding same-sex couples
9 accountable for legal commitments made in raising children, incurring debt, and owning
10 property, domestic partnerships benefit individuals, their families, and the broader
11 community.

12 **Arguments Against**

13 (1) Domestic partnerships diminish the significance of marriage for society by
14 reducing marriage to a list of benefits and responsibilities. The benefits given to married
15 couples are intended to support child rearing by one man and one woman. The state has
16 an interest in restricting recognition and legal protection to these married couples to
17 provide stability for the individuals, their families, and the broader community.

18 (2) Domestic partnerships extend benefits to same-sex couples that are not
19 extended to any other two unmarried people. Many of the rights and responsibilities of
20 married couples are already available to any two people willing to make a will, assign
21 power of attorney, or enter into contracts. However, Referendum I gives the rights and
22 responsibilities that are not currently available by contract only to domestic partners.

23 **Estimate of Fiscal Impact**

24 *State revenues and expenditures.* The state will charge \$15 for domestic
25 partnership certificates resulting in new state revenues of \$52,500 per year, based on an
26 estimated 3,500 certificates annually. Annual state expenditures of \$136,000 are expected
27 to review and process civil rights complaints alleging discrimination on the basis of
28 employment, housing, and public accommodation. These costs do not include spending
29 associated with legal challenges that may result from Referendum I or from potential
30 changes in the number and complexity of other court cases involving same-sex couples.

31 *County revenues and expenditures.* Counties are required to collect a \$7 license
32 fee for each domestic partnership to offset their costs. Thus, \$24,500 in license fee revenue
33 is expected to be retained by counties each year.

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REFERENDUM I
DOMESTIC PARTNERSHIPS
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DOMESTIC PARTNERSHIPS
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**Referendum I
Domestic Partnerships**

1 **Ballot Title:** Shall there be an amendment to the Colorado Revised Statutes to
2 authorize domestic partnerships, and, in connection therewith, enacting the "Colorado
3 Domestic Partnership Benefits And Responsibilities Act" to extend to same-sex couples
4 in a domestic partnership the benefits, protections, and responsibilities that are granted
5 by Colorado law to spouses, providing the conditions under which a license for a
6 domestic partnership may be issued and the criteria under which a domestic partnership
7 may be dissolved, making provisions for implementation of the act, and providing that
8 a domestic partnership is not a marriage, which consists of the union of one man and one
9 woman?

10 **Text of Proposal:**

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

12 **SECTION 1.** Title 14, Colorado Revised Statutes, is amended BY THE ADDITION
13 OF A NEW ARTICLE to read:

14 **ARTICLE 15**
15 **Colorado Domestic Partnership**
16 **Benefits and Responsibilities Act**

17 **14-15-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS
18 THE "COLORADO DOMESTIC PARTNERSHIP BENEFITS AND RESPONSIBILITIES ACT".

19 **14-15-102. Legislative declaration.** THE GENERAL ASSEMBLY DECLARES THAT
20 THE PURPOSE OF THIS ARTICLE IS TO PROVIDE ELIGIBLE SAME-SEX COUPLES THE
21 OPPORTUNITY TO OBTAIN THE BENEFITS, PROTECTIONS, AND RESPONSIBILITIES AFFORDED
22 BY COLORADO LAW TO SPOUSES CONSISTENT WITH THE PRINCIPLES OF EQUALITY UNDER
23 LAW AND RELIGIOUS FREEDOM EMBODIED IN BOTH THE UNITED STATES CONSTITUTION
24 AND THE CONSTITUTION OF THIS STATE.

25 **14-15-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE CONTEXT
26 OTHERWISE REQUIRES:

27 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH AND
28 ENVIRONMENT.

1 (2) "DOMESTIC PARTNER" MEANS A PERSON WHO HAS ESTABLISHED A DOMESTIC
2 PARTNERSHIP PURSUANT TO THIS ARTICLE.

3 (3) "DOMESTIC PARTNERSHIP" MEANS TWO ELIGIBLE PERSONS WHO HAVE
4 ESTABLISHED A RELATIONSHIP PURSUANT TO THIS ARTICLE AND WHO SHALL RECEIVE THE
5 BENEFITS AND PROTECTIONS AND BE SUBJECT TO THE RESPONSIBILITIES OF SPOUSES.

6 (4) "DOMESTIC PARTNERSHIP CERTIFICATE" MEANS A DOCUMENT THAT
7 CERTIFIES THAT THE PERSONS NAMED IN THE CERTIFICATE HAVE ESTABLISHED A
8 DOMESTIC PARTNERSHIP IN THIS STATE IN COMPLIANCE WITH THIS ARTICLE.

9 (5) "MARRIAGE" MEANS THE LEGALLY RECOGNIZED UNION OF ONE MAN AND
10 ONE WOMAN.

11 (6) "SPOUSES" MEANS TWO PERSONS MARRIED PURSUANT TO THE PROVISIONS OF
12 THE "UNIFORM MARRIAGE ACT", PART 1 OF ARTICLE 2 OF THIS TITLE.

13 (7) "STATE REGISTRAR" MEANS THE STATE REGISTRAR OF VITAL STATISTICS IN
14 THE DEPARTMENT.

15 **14-15-104. Requisites of a valid domestic partnership.** (1) FOR A DOMESTIC
16 PARTNERSHIP TO BE ESTABLISHED IN COLORADO, THE DOMESTIC PARTNERS SHALL
17 SATISFY ALL OF THE FOLLOWING CRITERIA:

18 (a) NOT BE A PARTNER IN ANOTHER DOMESTIC PARTNERSHIP;

19 (b) NOT BE MARRIED TO ANOTHER PERSON;

20 (c) BE OF THE SAME SEX AND THEREFORE EXCLUDED FROM THE MARRIAGE LAWS
21 OF THIS STATE, AS SPECIFIED IN THE "UNIFORM MARRIAGE ACT", PART 1 OF ARTICLE 2
22 OF THIS TITLE; AND

23 (d) MEET THE CRITERIA AND OBLIGATIONS SET FORTH IN THIS ARTICLE.

24 **14-15-105. Person shall not enter into a domestic partnership with a**
25 **relative.** (1) AN INDIVIDUAL SHALL NOT ENTER INTO A DOMESTIC PARTNERSHIP WITH
26 AN ANCESTOR OR A DESCENDANT OR WITH A BROTHER OR A SISTER, WHETHER THE
27 RELATIONSHIP IS BY THE HALF OR THE WHOLE BLOOD.

28 (2) AN INDIVIDUAL SHALL NOT ENTER INTO A DOMESTIC PARTNERSHIP WITH AN
29 UNCLE OR AUNT OR WITH A NIECE OR NEPHEW, WHETHER THE RELATIONSHIP IS BY THE
30 HALF OR THE WHOLE BLOOD.

1 (3) A DOMESTIC PARTNERSHIP BETWEEN PERSONS PROHIBITED BY SUBSECTION
2 (1) OR (2) OF THIS SECTION FROM ENTERING INTO A DOMESTIC PARTNERSHIP IS VOID.

3 **14-15-106. Benefits, protections, and responsibilities of partners in a**
4 **domestic partnership.** (1) A DOMESTIC PARTNER SHALL HAVE THE BENEFITS,
5 PROTECTIONS, AND RESPONSIBILITIES UNDER LAW, WHETHER THEY DERIVE FROM
6 STATUTE, ADMINISTRATIVE OR COURT RULE, POLICY, COMMON LAW, OR ANY OTHER
7 SOURCE OF CIVIL LAW, AS ARE GRANTED TO SPOUSES.

8 (2) A DOMESTIC PARTNER SHALL BE INCLUDED IN ANY DEFINITION OR USE OF THE
9 TERMS "SPOUSE", "FAMILY", "IMMEDIATE FAMILY", "DEPENDENT", "NEXT OF KIN", AND
10 ANY OTHER TERM THAT DENOTES THE SPOUSAL RELATIONSHIP, AS THOSE TERMS ARE
11 USED THROUGHOUT THE LAW.

12 (3) DOMESTIC PARTNERS SHALL BE RESPONSIBLE FOR THE FINANCIAL SUPPORT
13 OF ONE ANOTHER IN THE MANNER AS PRESCRIBED UNDER LAW FOR SPOUSES.

14 (4) THE LAW OF DOMESTIC RELATIONS, INCLUDING DECLARATION OF
15 INVALIDITY, LEGAL SEPARATION AND DISSOLUTION OF MARRIAGE, CHILD CUSTODY,
16 ALLOCATION OF PARENTAL RESPONSIBILITIES, PARENTING TIME, CHILD SUPPORT,
17 PROPERTY DIVISION, AND MAINTENANCE SHALL APPLY TO DOMESTIC PARTNERS.

18 (5) LEGAL BENEFITS, PROTECTIONS, AND RESPONSIBILITIES OF SPOUSES,
19 INCLUDING BUT NOT LIMITED TO THE FOLLOWING, SHALL APPLY IN LIKE MANNER TO
20 DOMESTIC PARTNERS:

21 (a) LAWS RELATING TO TITLE, TENURE, DESCENT AND DISTRIBUTION, INTESTATE
22 SUCCESSION, WAIVER OF WILL, SURVIVORSHIP, OR OTHER INCIDENTS OF THE
23 ACQUISITION, OWNERSHIP, OR TRANSFER, INTER VIVOS OR AT DEATH, OF REAL OR
24 PERSONAL PROPERTY, INCLUDING ELIGIBILITY TO HOLD REAL AND PERSONAL PROPERTY
25 AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP OR AS TENANTS IN COMMON;

26 (b) CAUSES OF ACTION RELATED TO OR DEPENDENT UPON SPOUSAL STATUS,
27 INCLUDING AN ACTION BASED ON WRONGFUL DEATH, EMOTIONAL DISTRESS, LOSS OF
28 CONSORTIUM, DRAMSHOP LAWS, OR OTHER TORTS OR ACTIONS UNDER CONTRACTS
29 RECITING, RELATED TO, OR DEPENDENT UPON SPOUSAL STATUS;

30 (c) PROHIBITIONS AGAINST DISCRIMINATION BASED UPON SPOUSAL STATUS;

31 (d) PROBATE LAW AND PROCEDURE, INCLUDING NONPROBATE TRANSFERS AND
32 PRIORITY FOR APPOINTMENT AS A CONSERVATOR, GUARDIAN, OR PERSONAL
33 REPRESENTATIVE;

- 1 (e) WORKERS' COMPENSATION BENEFITS;
- 2 (f) ADOPTION LAW AND PROCEDURE;
- 3 (g) GROUP BENEFIT PLANS FOR STATE EMPLOYEES PURSUANT TO PART 6 OF
4 ARTICLE 50 OF TITLE 24, C.R.S.;
- 5 (h) THE RIGHT TO DESIGNATE A DOMESTIC PARTNER AS A BENEFICIARY UNDER
6 THE STATE PUBLIC EMPLOYEES RETIREMENT SYSTEM;
- 7 (i) SURVIVOR BENEFITS UNDER LOCAL GOVERNMENT FIREFIGHTER AND POLICE
8 PENSIONS;
- 9 (j) DOMESTIC ABUSE PROGRAMS PURSUANT TO ARTICLE 7.5 OF TITLE 26, C.R.S.,
10 EMERGENCY PROTECTION ORDERS PURSUANT TO SECTION 13-14-103, C.R.S., AND THE
11 RIGHT TO RECEIVE THE PROTECTIONS AND PROGRAMS SPECIFIED IN PART 8 OF ARTICLE
12 6 OF TITLE 18, C.R.S., NOTWITHSTANDING THE INTIMATE RELATIONSHIP REQUIREMENT;
- 13 (k) VICTIM'S COMPENSATION RIGHTS PURSUANT TO ARTICLE 4.1 OF TITLE 24,
14 C.R.S.;
- 15 (l) LAWS RELATING TO EMERGENCY AND NONEMERGENCY MEDICAL CARE AND
16 TREATMENT AND HOSPITAL VISITATION AND NOTIFICATION, INCLUDING THE RIGHTS OF
17 NURSING HOME PATIENTS DESCRIBED IN SECTION 25-1-120, C.R.S.;
- 18 (m) TERMINAL CARE DOCUMENTS, MEDICAL TREATMENT DOCUMENTS, AND
19 DECISIONS MADE PURSUANT TO THE "COLORADO MEDICAL TREATMENT DECISION ACT",
20 ARTICLE 18 OF TITLE 15, C.R.S., MEDICAL DECISIONS MADE PURSUANT TO ARTICLE 18.5
21 OF TITLE 15, C.R.S., AND ANY MEDICAL DURABLE POWER OF ATTORNEY OR ADVANCE
22 MEDICAL DIRECTIVES PURSUANT TO ARTICLE 14 OF TITLE 15, C.R.S.;
- 23 (n) RIGHTS CONCERNING DIRECTION OF THE DISPOSITION OF A DECEASED
24 DOMESTIC PARTNER'S LAST REMAINS PURSUANT TO ARTICLE 19 OF TITLE 15, C.R.S.;
- 25 (o) LAWS RELATING TO MAKING, REVOKING, AND OBJECTING TO ANATOMICAL
26 GIFTS BY OTHERS PURSUANT TO THE "UNIFORM ANATOMICAL GIFT ACT", PART 1 OF
27 ARTICLE 34 OF TITLE 12, C.R.S.;
- 28 (p) FAMILY LEAVE BENEFITS;
- 29 (q) PUBLIC ASSISTANCE BENEFITS PURSUANT TO STATE LAW;
- 30 (r) LAWS RELATING TO IMMUNITY FROM COMPELLED TESTIMONY AND

1 EVIDENTIARY PRIVILEGES PURSUANT TO SECTION 13-90-107, C.R.S.;

2 (s) THE RIGHT TO APPLY FOR EMERGENCY OR INVOLUNTARY COMMITMENT OF
3 A DOMESTIC PARTNER;

4 (t) THE HOMESTEAD RIGHTS OF A SURVIVING SPOUSE PURSUANT TO PART 2 OF
5 ARTICLE 41 OF TITLE 38, C.R.S.;

6 (u) THE ABILITY TO PROTECT EXEMPT PROPERTY FROM ATTACHMENT,
7 EXECUTION, OR GARNISHMENT;

8 (v) INSURANCE POLICIES FOR LIFE INSURANCE OR HEALTH CARE COVERAGE,
9 INCLUDING THE ABILITY TO COVER A DOMESTIC PARTNER AS A DEPENDENT.

10 (6) THE RESPONSIBILITIES AND RIGHTS OF DOMESTIC PARTNERS, WITH RESPECT
11 TO A CHILD OF WHOM EITHER BECOMES THE BIOLOGICAL PARENT DURING THE TERM OF
12 THE DOMESTIC PARTNERSHIP, SHALL BE DETERMINED AS IF THE PARTIES WERE SPOUSES
13 SUBJECT TO THE PROVISIONS OF SECTION 19-4-105, C.R.S.

14 **14-15-107. Modification of domestic partnership terms.** DOMESTIC PARTNERS
15 MAY MODIFY THE TERMS, CONDITIONS, OR EFFECTS OF THEIR DOMESTIC PARTNERSHIPS
16 IN THE MANNER SPECIFIED IN PART 3 OF ARTICLE 2 OF THIS TITLE, SETTING FORTH
17 PARTICULAR UNDERSTANDINGS WITH RESPECT TO THEIR PARTNERSHIP.

18 **14-15-108. Dissolution, legal separation, and declaration of invalidity of**
19 **domestic partnerships.** THE DISTRICT COURT HAS JURISDICTION OVER ALL
20 PROCEEDINGS RELATING TO THE DISSOLUTION OF A DOMESTIC PARTNERSHIP, LEGAL
21 SEPARATION OF A DOMESTIC PARTNERSHIP, OR THE DECLARATION OF INVALIDITY OF A
22 DOMESTIC PARTNERSHIP. SUCH PROCEEDINGS SHALL FOLLOW THE PROCEDURES
23 SPECIFIED IN ARTICLE 10 OF THIS TITLE.

24 **14-15-109. Domestic partnership license and certificate.** (1) THE EXECUTIVE
25 DIRECTOR OF THE DEPARTMENT SHALL PRESCRIBE THE FORM FOR AN APPLICATION FOR
26 A DOMESTIC PARTNERSHIP LICENSE, WHICH SHALL INCLUDE THE FOLLOWING
27 INFORMATION:

28 (a) NAME, SEX, ADDRESS, SOCIAL SECURITY NUMBER, AND DATE AND PLACE OF
29 BIRTH OF EACH PARTY TO THE PROPOSED DOMESTIC PARTNERSHIP; AND, FOR SUCH
30 PURPOSE, PROOF OF DATE OF BIRTH MAY BE BY A BIRTH CERTIFICATE, A DRIVER'S
31 LICENSE, OR OTHER COMPARABLE EVIDENCE;

1 (b) IF EITHER PARTY HAS PREVIOUSLY BEEN MARRIED OR PREVIOUSLY BEEN A
2 PARTNER IN A DOMESTIC PARTNERSHIP, SUCH PARTY'S MARRIED OR PREVIOUS NAME AND
3 THE DATE, PLACE, AND COURT IN WHICH THE MARRIAGE OR DOMESTIC PARTNERSHIP WAS
4 DISSOLVED OR DECLARED INVALID OR THE DATE AND PLACE OF DEATH OF THE FORMER
5 SPOUSE OR FORMER PARTNER IN THE DOMESTIC PARTNERSHIP;

6 (c) NAME AND ADDRESS OF THE PARENTS OR GUARDIAN OF EACH PARTY;

7 (d) WHETHER THE PARTIES ARE RELATED TO EACH OTHER AND, IF SO, THEIR
8 RELATIONSHIP.

9 (2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL PRESCRIBE THE
10 FORMS FOR THE DOMESTIC PARTNERSHIP LICENSE, THE DOMESTIC PARTNERSHIP
11 CERTIFICATE, AND THE CONSENT TO FORM A DOMESTIC PARTNERSHIP.

12 **14-15-110. Issuance of a domestic partnership license - certification - fee.**

13 (1) WHEN BOTH PARTIES TO A PROPOSED DOMESTIC PARTNERSHIP COMPLETE A
14 DOMESTIC PARTNERSHIP APPLICATION AND AT LEAST ONE PARTY APPEARS BEFORE THE
15 COUNTY CLERK AND RECORDER AND PAYS THE DOMESTIC PARTNERSHIP LICENSE FEE OF
16 SEVEN DOLLARS, AND AN ADDITIONAL AMOUNT ESTABLISHED PURSUANT TO SECTION
17 25-2-121, C.R.S., TO BE CREDITED TO THE VITAL STATISTICS RECORDS CASH FUND
18 PURSUANT TO SECTION 25-2-121, C.R.S., AND THE COUNTY CLERK AND RECORDER
19 DETERMINES THAT THE PARTIES MEET THE REQUIREMENTS FOR PROOF OF LEGAL
20 QUALIFICATIONS AS SPECIFIED IN SECTION 14-15-111, THE COUNTY CLERK AND
21 RECORDER SHALL ISSUE A DOMESTIC PARTNERSHIP LICENSE AND A DOMESTIC
22 PARTNERSHIP CERTIFICATE FORM. BOTH PARTIES TO THE PROPOSED DOMESTIC
23 PARTNERSHIP SHALL SIGN THE APPLICATION ATTESTING TO THE ACCURACY OF THE FACTS
24 STATED.

25 (2) THE DOMESTIC PARTNERSHIP LICENSE SHALL BE ISSUED BY THE COUNTY
26 CLERK AND RECORDER OF THE COUNTY WHERE EITHER PARTY RESIDES OR, IF NEITHER IS
27 A RESIDENT OF THE STATE, BY ANY COUNTY CLERK AND RECORDER IN THE STATE.

28 (3) ONE OF THE PARTIES TO A PROPOSED DOMESTIC PARTNERSHIP, WITHIN
29 THIRTY DAYS AFTER THE DATE OF ISSUE, SHALL DELIVER THE DOMESTIC PARTNERSHIP
30 LICENSE TO A PERSON AUTHORIZED TO CERTIFY DOMESTIC PARTNERSHIPS BY SECTION
31 14-15-113. IF THE AUTHORIZED PERSON DOES NOT CERTIFY THE PROPOSED DOMESTIC
32 PARTNERSHIP WITHIN THIRTY DAYS AFTER THE DATE OF ISSUE, THE LICENSE SHALL
33 BECOME VOID. AFTER AN AUTHORIZED PERSON HAS CERTIFIED THE DOMESTIC
34 PARTNERSHIP, THE DOCUMENT SHALL BE KNOWN AS A DOMESTIC PARTNERSHIP
35 CERTIFICATE.

1 **14-15-111. Proof of legal qualifications of parties to a domestic partnership.**

2 BEFORE ISSUING A DOMESTIC PARTNERSHIP LICENSE TO AN APPLICANT, THE COUNTY
3 CLERK AND RECORDER SHALL BE SATISFIED THAT EACH PARTY TO THE INTENDED
4 DOMESTIC PARTNERSHIP MEETS THE CRITERIA SET FORTH IN SECTION 14-15-104 TO
5 ENTER INTO A DOMESTIC PARTNERSHIP.

6 **14-15-112. Restrictions as to minors and wards.** (1) A COUNTY CLERK AND
7 RECORDER SHALL NOT ISSUE A DOMESTIC PARTNERSHIP LICENSE WHEN EITHER PARTY TO
8 THE INTENDED DOMESTIC PARTNERSHIP IS:

9 (a) UNDER EIGHTEEN YEARS OF AGE;

10 (b) UNDER GUARDIANSHIP, WITHOUT THE WRITTEN CONSENT OF SUCH
11 GUARDIAN.

12 (2) A VIOLATION OF SUBSECTION (1) OF THIS SECTION SHALL MAKE THE
13 DOMESTIC PARTNERSHIP VOIDABLE.

14 **14-15-113. Persons authorized to certify domestic partnerships -**
15 **registration - fee.** (1) A DOMESTIC PARTNERSHIP MAY BE CERTIFIED BY A JUDGE OF A
16 COURT, BY A DISTRICT COURT MAGISTRATE, BY A COUNTY COURT MAGISTRATE, BY A
17 RETIRED JUDGE OF A COURT, BY THE PARTIES TO THE DOMESTIC PARTNERSHIP, OR IN
18 ACCORDANCE WITH ANY MODE OF RECOGNITION OF A DOMESTIC PARTNERSHIP BY ANY
19 RELIGIOUS DENOMINATION OR INDIAN NATION OR TRIBE.

20 (2) EITHER THE PERSON CERTIFYING THE DOMESTIC PARTNERSHIP OR, IF NO
21 INDIVIDUAL ACTING ALONE CERTIFIED THE DOMESTIC PARTNERSHIP, A PARTY TO THE
22 DOMESTIC PARTNERSHIP SHALL COMPLETE THE DOMESTIC PARTNERSHIP CERTIFICATE
23 AND RETURN THE CERTIFICATE TO THE COUNTY CLERK AND RECORDER'S OFFICE THAT
24 ISSUED THE LICENSE WITHIN SIXTY DAYS AFTER THE DATE ON WHICH THE DOMESTIC
25 PARTNERSHIP WAS CERTIFIED. A PERSON WHO FAILS TO FORWARD THE DOMESTIC
26 PARTNERSHIP CERTIFICATE TO THE COUNTY CLERK AND RECORDER AS REQUIRED BY THIS
27 SECTION SHALL BE REQUIRED TO PAY A LATE FEE IN AN AMOUNT OF NOT LESS THAN
28 TWENTY DOLLARS. AN ADDITIONAL FIVE-DOLLAR LATE FEE MAY BE ASSESSED FOR EACH
29 ADDITIONAL DAY OF FAILURE TO COMPLY WITH THE FORWARDING REQUIREMENTS OF
30 THIS SUBSECTION (2) UP TO A MAXIMUM OF FIFTY DOLLARS. FOR PURPOSES OF
31 DETERMINING WHETHER A LATE FEE SHALL BE ASSESSED PURSUANT TO THIS SUBSECTION
32 (2), THE DATE OF FORWARDING SHALL BE DEEMED TO BE THE DATE OF POSTMARK.

33 (3) UPON RECEIPT OF THE DOMESTIC PARTNERSHIP CERTIFICATE, THE COUNTY
34 CLERK AND RECORDER SHALL REGISTER THE DOMESTIC PARTNERSHIP.

1 (4) NO PRIEST, MINISTER, RABBI, OR OTHER OFFICIAL OF ANY RELIGIOUS
2 INSTITUTION OR DENOMINATION SHALL BE REQUIRED TO CERTIFY ANY DOMESTIC
3 PARTNERSHIP IN VIOLATION OF HIS OR HER RIGHT TO THE FREE EXERCISE OF RELIGION
4 GUARANTEED BY THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION AND
5 BY SECTION 4 OF ARTICLE II OF THE COLORADO CONSTITUTION.

6 **14-15-114. Domestic partnership license required for certification.** PERSONS
7 AUTHORIZED BY SECTION 14-15-113 TO CERTIFY DOMESTIC PARTNERSHIPS SHALL
8 REQUIRE A DOMESTIC PARTNERSHIP LICENSE FROM THE PARTIES BEFORE CERTIFYING THE
9 DOMESTIC PARTNERSHIP. THE LICENSE SHALL AFFORD FULL IMMUNITY TO THE PERSON
10 WHO CERTIFIES THE DOMESTIC PARTNERSHIP.

11 **14-15-115. Evidence of domestic partnership.** A COPY OF THE RECORD OF THE
12 DOMESTIC PARTNERSHIP RECEIVED FROM THE COUNTY CLERK AND RECORDER OR THE
13 STATE REGISTRAR SHALL BE PRESUMPTIVE EVIDENCE OF THE DOMESTIC PARTNERSHIP IN
14 ALL COURTS.

15 **14-15-116. Construction.** (1) THE PROVISIONS OF THIS ARTICLE SHALL NOT BE
16 CONSTRUED TO CREATE A MARRIAGE BETWEEN THE PARTIES TO A DOMESTIC
17 PARTNERSHIP, CREATE OR RECOGNIZE A LEGAL STATUS SIMILAR TO THAT OF MARRIAGE
18 AS DEFINED IN SECTIONS 14-2-101 TO 14-2-104, OR ALTER THE PUBLIC POLICY OF THIS
19 STATE WHICH RECOGNIZES ONLY THE UNION OF ONE MAN AND ONE WOMAN AS A
20 MARRIAGE.

21 (2) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, NOTHING
22 IN THIS ARTICLE SHALL BE INTERPRETED TO REQUIRE A CHILD PLACEMENT AGENCY TO
23 PLACE A CHILD FOR ADOPTION WITH A COUPLE THAT HAS ENTERED INTO A DOMESTIC
24 PARTNERSHIP PURSUANT TO THIS ARTICLE IF THE CHILD PLACEMENT AGENCY OBJECTS
25 TO SUCH PLACEMENT ON THE BASIS OF RELIGIOUS BELIEFS.

26 (3) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO PERMIT THE FILING OF
27 A JOINT INCOME TAX RETURN BY THE PARTIES TO A DOMESTIC PARTNERSHIP.

28 **14-15-117. Enacting legislation.** THE GENERAL ASSEMBLY SHALL ENACT
29 LEGISLATION TO IMPLEMENT THIS ARTICLE, INCLUDING THE BENEFITS, PROTECTIONS,
30 AND RESPONSIBILITIES OF PARTNERS IN A DOMESTIC PARTNERSHIP AS OUTLINED IN
31 SECTION 14-15-106.

1 **SECTION 2.** 25-2-105, Colorado Revised Statutes, is amended to read:

2 **25-2-105. Vital statistics, reports, and certificates - forms and information**
3 **to be included.** (1) The state registrar shall prescribe, furnish, and distribute such
4 forms as are required by this article and shall furnish and distribute such rules ~~and~~
5 ~~regulations~~ as are promulgated pursuant to section 25-2-103. The state registrar may
6 also prescribe such other means for transmission of data as will accomplish the purpose
7 of complete and accurate reporting and registration.

8 (2) THE STATE REGISTRAR SHALL PRESCRIBE, FURNISH, AND DISTRIBUTE SUCH
9 FORMS AS ARE REQUIRED BY THIS ARTICLE WITH RESPECT TO DOMESTIC PARTNERSHIP
10 CERTIFICATES, AS DEFINED IN SECTION 14-15-103 (4), C.R.S.

11 **SECTION 3.** Article 2 of title 25, Colorado Revised Statutes, is amended BY
12 THE ADDITION OF A NEW SECTION to read:

13 **25-2-106.5. Reports of domestic partnerships.** EACH COUNTY CLERK AND
14 RECORDER SHALL PREPARE A REPORT CONTAINING SUCH INFORMATION AND USING THE
15 FORM AS PRESCRIBED AND FURNISHED BY THE STATE REGISTRAR WITH RESPECT TO
16 EVERY DULY EXECUTED DOMESTIC PARTNERSHIP CERTIFICATE REGISTERED IN
17 ACCORDANCE WITH SECTION 14-15-113, C.R.S. ON OR BEFORE THE TENTH DAY OF EACH
18 MONTH, OR MORE FREQUENTLY IF REQUESTED BY THE STATE REGISTRAR, A COUNTY
19 CLERK AND RECORDER SHALL FORWARD TO THE STATE REGISTRAR ALL DOMESTIC
20 PARTNERSHIP REPORTS FOR ALL DOMESTIC PARTNERSHIP CERTIFICATES REGISTERED IN
21 THE PRECEDING PERIOD. ANY COUNTY CLERK AND RECORDER MAY ISSUE CERTIFIED
22 COPIES OF DOMESTIC PARTNERSHIP CERTIFICATES.

23 **SECTION 4.** 25-2-107 (1), Colorado Revised Statutes, is amended to read:

24 **25-2-107. Reports of adoption, dissolution of marriage, domestic**
25 **partnerships, parentage, and other court proceedings affecting vital statistics - tax**
26 **on court action affecting vital statistics.** (1) The clerk of each court or, for parentage
27 proceedings, the clerk of the court or a delegate child support enforcement unit shall
28 prepare a report containing such information and using such form as may be prescribed
29 and furnished by the state registrar with respect to every decree entered by the court with
30 respect to parentage, legitimacy, adoption, change of name, dissolution of marriage,
31 legal separation ~~or~~ OF A MARRIAGE, declaration of invalidity of marriage, DISSOLUTION
32 OF A DOMESTIC PARTNERSHIP, LEGAL SEPARATION OF A DOMESTIC PARTNERSHIP, OR
33 DECLARATION OF INVALIDITY OF A DOMESTIC PARTNERSHIP, and every decree amending
34 or nullifying such a decree and also with respect to every decree entered pursuant to
35 section 25-2-114. On or before the tenth day of each month, or more frequently if so
36 requested by the state registrar, such clerk shall forward to the state registrar the reports
37 for all such decrees entered during the preceding period.

1 **SECTION 5.** 25-2-117 (2) (d) and (2) (e), Colorado Revised Statutes, are
2 amended, and the said 25-2-117 (2) is further amended BY THE ADDITION OF A
3 NEW PARAGRAPH, to read:

4 **25-2-117. Certified copies furnished - fee.** (2) An applicant shall pay fees
5 established pursuant to section 25-2-121 for each of the following services:

6 (d) The verification of marriage or divorce; ~~and~~

7 (e) The reproduction of various vital statistics, publications, reports, and data
8 services; AND

9 (f) THE VERIFICATION OF A DOMESTIC PARTNERSHIP OR DISSOLUTION OF A
10 DOMESTIC PARTNERSHIP.

11 **SECTION 6.** 2-4-401, Colorado Revised Statutes, is amended BY THE
12 ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

13 **2-4-401. Definitions.** The following definitions apply to every statute, unless
14 the context otherwise requires:

15 (2.2) "DOMESTIC PARTNER" MEANS A PERSON WHO HAS ENTERED INTO A
16 DOMESTIC PARTNERSHIP IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 15 OF
17 TITLE 14, C.R.S.

18 (2.3) "DOMESTIC PARTNERSHIP" MEANS THAT TWO ELIGIBLE PERSONS HAVE
19 ESTABLISHED A RELATIONSHIP PURSUANT TO THE REQUIREMENTS OF ARTICLE 15 OF
20 TITLE 14, C.R.S., THAT ENTITLES THEM TO RECEIVE THE BENEFITS AND PROTECTIONS
21 AND BE SUBJECT TO THE RESPONSIBILITIES OF SPOUSES.

22 (2.4) "DOMESTIC PARTNERSHIP CERTIFICATE" MEANS A DOCUMENT THAT
23 CERTIFIES THAT THE PERSONS NAMED IN THE CERTIFICATE HAVE ESTABLISHED A
24 DOMESTIC PARTNERSHIP IN THIS STATE IN COMPLIANCE WITH THE PROVISIONS OF
25 ARTICLE 15 OF TITLE 14, C.R.S.

26 **SECTION 7.** 24-72-204 (3) (a) (XIX), Colorado Revised Statutes, as enacted
27 by House Bill 06-1357, enacted at the Second Regular Session of the Sixty-fifth General
28 Assembly, is amended to read:

29 **24-72-204. Allowance or denial of inspection - grounds - procedure -**
30 **appeal.** (3) (a) The custodian shall deny the right of inspection of the following
31 records, unless otherwise provided by law; except that any of the following records,
32 other than letters of reference concerning employment, licensing, or issuance of permits,

1 shall be available to the person in interest under this subsection (3):

2 (XIX) (A) Except as provided in sub-subparagraphs (B) and (C) of this
3 subparagraph (XIX), applications for a marriage license submitted pursuant to section
4 14-2-106, C.R.S., AND EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH (C) OF THIS
5 SUBPARAGRAPH (XIX), APPLICATIONS FOR A DOMESTIC PARTNERSHIP LICENSE
6 SUBMITTED PURSUANT TO SECTION 14-15-109, C.R.S. A person in interest under this
7 subparagraph (XIX) includes an immediate family member of either party to the
8 marriage application OR TO THE DOMESTIC PARTNERSHIP APPLICATION. As used in this
9 subparagraph (XIX), "immediate family member" means a person who is related by
10 blood, marriage, or adoption. Nothing in this subparagraph (XIX) shall be construed to
11 prohibit the inspection of marriage licenses or marriage certificates OR TO DOMESTIC
12 PARTNERSHIP LICENSES OR DOMESTIC PARTNERSHIP CERTIFICATES or to otherwise
13 change the status of those licenses or certificates as public records.

14 (B) Any record of an application for a marriage license submitted pursuant to
15 section 14-2-106, C.R.S., shall be made available for public inspection fifty years after
16 the date that record was created.

17 (C) Upon application by any person to the district court in the district wherein
18 a record of an application for a marriage license OR FOR A DOMESTIC PARTNERSHIP
19 LICENSE is found, the district court may, in its discretion and upon good cause shown,
20 order the custodian to permit the inspection of such record.

21 **SECTION 8. Appropriation.** (1) In addition to any other appropriation, there
22 is hereby appropriated, out of any moneys in the general fund not otherwise
23 appropriated, to the department of regulatory agencies, for the fiscal year beginning July
24 1, 2006, the sum of fifty-eight thousand fifty-two dollars (\$58,052) and 0.5 FTE, or so
25 much thereof as may be necessary, for the implementation of this act. Of said sum and
26 said FTE, twenty-four thousand one hundred sixty-seven dollars (\$24,167) and 0.5 FTE
27 shall be allocated to the Colorado civil rights division and thirty-three thousand eight
28 hundred eighty-five dollars (\$33,885) shall be allocated to the executive director's office.

29 (2) In addition to any other appropriation, there is hereby appropriated to the
30 department of law, for the fiscal year beginning July 1, 2006, the sum of thirty-three
31 thousand eight hundred eighty-five dollars (\$33,885) and 0.2 FTE, or so much thereof
32 as may be necessary, for the provision of legal services to the department of regulatory
33 agencies related to the implementation of this act. Said sum shall be from cash funds
34 exempt received from the department of regulatory agencies out of the appropriation
35 made in subsection (1) of this section.

36 **SECTION 9. Effective date - applicability.** This act shall take effect February
37 12, 2007, and shall apply to domestic partnerships entered into on or after said date.

1 **SECTION 10. Refer to people under referendum.** This act shall be
2 submitted to a vote of the registered electors of the state of Colorado at the next biennial
3 regular general election, for their approval or rejection, under the provisions of the
4 referendum as provided for in section 1 of article V of the state constitution, and in
5 article 40 of title 1, Colorado Revised Statutes. Each elector voting at said election and
6 desirous of voting for or against said act shall cast a vote as provided by law either
7 "Yes" or "No" on the proposition: "SHALL THERE BE AN AMENDMENT TO THE
8 COLORADO REVISED STATUTES TO AUTHORIZE DOMESTIC PARTNERSHIPS, AND, IN
9 CONNECTION THEREWITH, ENACTING THE "COLORADO DOMESTIC PARTNERSHIP
10 BENEFITS AND RESPONSIBILITIES ACT" TO EXTEND TO SAME-SEX COUPLES IN A
11 DOMESTIC PARTNERSHIP THE BENEFITS, PROTECTIONS, AND RESPONSIBILITIES THAT ARE
12 GRANTED BY COLORADO LAW TO SPOUSES, PROVIDING THE CONDITIONS UNDER WHICH
13 A LICENSE FOR A DOMESTIC PARTNERSHIP MAY BE ISSUED AND THE CRITERIA UNDER
14 WHICH A DOMESTIC PARTNERSHIP MAY BE DISSOLVED, MAKING PROVISIONS FOR
15 IMPLEMENTATION OF THE ACT, AND PROVIDING THAT A DOMESTIC PARTNERSHIP IS NOT
16 A MARRIAGE, WHICH CONSISTS OF THE UNION OF ONE MAN AND ONE WOMAN?" The votes
17 cast for the adoption or rejection of said act shall be canvassed and the result determined
18 in the manner provided by law for the canvassing of votes for representatives in
19 Congress.