

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

INTRODUCED

LLS NO. 09-0136.01 Bob Lackner

HOUSE BILL 09-1146

HOUSE SPONSORSHIP

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A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT TO PROVIDE PROOF OF CITIZENSHIP TO**
102 **REGISTER TO VOTE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Requires a person who applies to register to vote to provide proof of citizenship. Allows proof of citizenship to be established by:

- ! A valid United States passport or a photocopy thereof;
- ! The person's birth certificate or a photocopy thereof;
- ! The person's United States naturalization documentation or a photocopy thereof;
- ! The number of the applicant's certificate of naturalization,

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.

- verified by the county clerk and recorder; or
- ! Any document or method of proof of citizenship established by federal immigration law.

Directs the county clerk and recorder not to register a person who applies to register to vote by completing a provisional ballot affidavit until the person provides proof of citizenship.

Exempts from the requirement to provide proof of citizenship a person who:

- ! Is a registered elector as of a specified date, unless the person moves to a new county;
- ! Moves from one county to another county within the state and has completed an emergency registration affidavit;
- ! Moves within a county and changes the person's address on the registration record;
- ! Changes his or her name on the registration record;
- ! Declares, changes, or withdraws an affiliation with a political party or organization; or
- ! Is an absent uniformed services elector or an overseas elector and applies to register by federal postcard application.

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

2 **SECTION 1.** 1-2-201 (2), Colorado Revised Statutes, is amended
3 to read:

4 **1-2-201. Registration required - deadline.** (2) Each elector
5 registering shall sign his or her name on the registration record or, if
6 unable to write, shall make a personal mark or be provided assistance to
7 make such a mark by the county clerk and recorder or any other person
8 authorized by the county clerk and recorder or the elector. The elector
9 shall answer the questions required by section 1-2-204, ~~and shall~~
10 complete the self-affirmation required by section 1-2-205, AND PROVIDE
11 PROOF OF CITIZENSHIP PURSUANT TO SECTION 1-2-205.5.

12 **SECTION 2.** Part 2 of article 2 of title 1, Colorado Revised
13 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
14 read:

1 **1-2-205.5. Proof of citizenship.** (1) THE COUNTY CLERK AND
2 RECORDER OR DEPUTY REGISTRAR SHALL NOT REGISTER AN ELIGIBLE
3 ELECTOR APPLYING FOR REGISTRATION UNLESS THE ELECTOR SUBMITS
4 PROOF OF CITIZENSHIP TO THE COUNTY CLERK AND RECORDER OR DEPUTY
5 REGISTRAR.

6 (2) PROOF OF CITIZENSHIP MAY BE ESTABLISHED BY THE
7 FOLLOWING:

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

11 (b) THE ELECTOR'S BIRTH CERTIFICATE OR A LEGIBLE PHOTOCOPY
12 OF THE BIRTH CERTIFICATE;

13 (c) THE ELECTOR'S UNITED STATES NATURALIZATION
14 DOCUMENTATION, A LEGIBLE PHOTOCOPY OF THE DOCUMENTATION, OR
15 THE NUMBER OF THE APPLICANT'S CERTIFICATE OF NATURALIZATION;
16 EXCEPT THAT AN ELECTOR WHO PROVIDES THE NUMBER OF THE
17 CERTIFICATE OF NATURALIZATION IN LIEU OF THE NATURALIZATION
18 DOCUMENTATION SHALL NOT BE REGISTERED UNTIL THE COUNTY CLERK
19 AND RECORDER VERIFIES THE NUMBER WITH THE UNITED STATES
20 CITIZENSHIP AND IMMIGRATION SERVICES IN THE DEPARTMENT OF
21 HOMELAND SECURITY; OR

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

25 (3) PROOF OF VOTER REGISTRATION FROM ANOTHER STATE SHALL
26 NOT BE CONSIDERED PROOF OF CITIZENSHIP FOR PURPOSES OF THIS
27 SECTION.

1 (4) A PERSON WHO IS A REGISTERED ELECTOR AS OF JULY 1, 2009,
2 IS DEEMED TO HAVE PROVIDED PROOF OF CITIZENSHIP AND IS NOT
3 REQUIRED TO SUBMIT PROOF OF CITIZENSHIP PURSUANT TO THIS SECTION.

4 (5) A REGISTERED ELECTOR IS NOT REQUIRED TO SUBMIT PROOF OF
5 CITIZENSHIP WHEN THE ELECTOR:

6 (a) MOVES WITHIN A COUNTY AND CHANGES THE ELECTOR'S
7 ADDRESS ON THE REGISTRATION RECORD PURSUANT TO SECTION 1-2-216;

8 (b) MOVES FROM ONE COUNTY TO ANOTHER COUNTY WITHIN THE
9 STATE AND HAS COMPLETED AN EMERGENCY REGISTRATION AFFIDAVIT IN
10 ACCORDANCE WITH THE PROVISIONS OF SECTION 1-2-217.5;

11 (c) CHANGES THE ELECTOR'S NAME ON THE REGISTRATION RECORD
12 PURSUANT TO SECTION 1-2-218;

13 (d) DECLARES AN AFFILIATION WITH A POLITICAL PARTY OR
14 POLITICAL ORGANIZATION PURSUANT TO SECTION 1-2-218.5; OR

15 (e) CHANGES OR WITHDRAWS AN AFFILIATION WITH A POLITICAL
16 PARTY OR POLITICAL ORGANIZATION PURSUANT TO SECTION 1-2-219.

17 (6) THE COUNTY CLERK AND RECORDER SHALL NOT REGISTER A
18 PERSON WHO APPLIES TO REGISTER BY COMPLETING A PROVISIONAL
19 BALLOT AFFIDAVIT PURSUANT TO SECTION 1-8.5-103 (2) (a), 1-8.5-107 (1)
20 OR (2) (c), OR 1-8.5-108 UNTIL THE PERSON PROVIDES PROOF OF
21 CITIZENSHIP PURSUANT TO THIS SECTION.

22 (7) THE REQUIREMENTS OF THIS SECTION SHALL NOT APPLY TO AN
23 ABSENT UNIFORMED SERVICES ELECTOR, A NONRESIDENT OVERSEAS
24 ELECTOR, OR A RESIDENT OVERSEAS ELECTOR, WHO APPLIES TO REGISTER
25 BY FEDERAL POSTCARD APPLICATION IN ACCORDANCE WITH SECTIONS
26 1-2-208 AND 1-2-209.

27 **SECTION 3.** 1-2-213 (2) (a), Colorado Revised Statutes, is

1 amended to read:

2 **1-2-213. Registration at driver's license examination facilities.**

3 (2) (a) An applicant who wishes to complete an application for
4 registration shall read and answer the questions required by section
5 1-2-204, ~~and shall~~ PROVIDE PROOF OF CITIZENSHIP PURSUANT TO SECTION
6 1-2-205.5, AND make a self-affirmation by signing the following
7 statement: "I,, do solemnly affirm that I am a citizen of the
8 United States and that on the date of the next election I shall have attained
9 the age of eighteen years and shall have resided in the state of Colorado
10 at least thirty days and in my precinct at least thirty days before the
11 election. I further affirm that the present address I listed herein is my sole
12 legal place of residence and that I claim no other place as my legal
13 residence." Each application for registration shall bear the following
14 statement: "Warning: It is a class 1 misdemeanor to affirm falsely as to
15 your qualifications to register to vote."

16 **SECTION 4.** 1-2-217.5 (1) (b), Colorado Revised Statutes, is
17 amended to read:

18 **1-2-217.5. Change in residence before close of registration -
19 emergency registration at office of county clerk and recorder.**

20 (1) Notwithstanding the provisions of sections 1-2-101 and 1-2-102, an
21 elector may register to vote in an election after the registration books of
22 the county clerk and recorder are closed for that election by completing
23 an emergency registration affidavit as prescribed by the secretary of state
24 if the elector:

25 (b) Complies with the requirements of section 1-2-204 (1) and (2)
26 AND PROVIDES PROOF OF CITIZENSHIP PURSUANT TO SECTION 1-2-205.5.

27 **SECTION 5.** 1-8.5-103 (2) (a), Colorado Revised Statutes, is

1 amended to read:

2 **1-8.5-103. Provisional ballot affidavit.** (2) (a) The provisional
3 ballot affidavit shall constitute a voter registration application for the
4 voter for future elections. WHEN THE COUNTY CLERK AND RECORDER
5 REGISTERS THE ELECTOR ON THE REGISTRATION RECORD, any previous
6 voter registration for the voter shall be ~~cancelled~~ CANCELED pursuant to
7 section 1-2-603 (1).

8 **SECTION 6. Act subject to petition - effective date.** This act
9 shall take effect at 12:01 a.m. on the day following the expiration of the
10 ninety-day period after final adjournment of the general assembly that is
11 allowed for submitting a referendum petition pursuant to article V,
12 section 1 (3) of the state constitution, (August 4, 2009, if adjournment
13 sine die is on May 6, 2009); except that, if a referendum petition is filed
14 against this act or an item, section, or part of this act within such period,
15 then the act, item, section, or part, if approved by the people, shall take
16 effect on the date of the official declaration of the vote thereon by
17 proclamation of the governor.