

Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 06-0672.01 John Hershey

SENATE BILL 06-146

SENATE SPONSORSHIP

McElhany,

HOUSE SPONSORSHIP

(None),

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING THE REQUIREMENT TO PROVIDE PROOF OF CITIZENSHIP
102 TO 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 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;
Any document or method of proof of citizenship established by federal immigration law; or
The person's United States bureau of Indian affairs card number, tribal treaty card number, or tribal enrollment number.

States that proof of voter registration from another state is not proof of citizenship.

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 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.

Makes conforming amendments.

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.

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

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

9 (2) PROOF OF CITIZENSHIP MAY BE ESTABLISHED BY ANY OF THE
10 FOLLOWING:

11 (a) A VALID UNITED STATES PASSPORT OR A LEGIBLE PHOTOCOPY
12 OF THE PERTINENT PAGES THEREOF, IDENTIFYING THE ELECTOR AND
13 SHOWING THE PASSPORT NUMBER;

14 (b) THE ELECTOR'S BIRTH CERTIFICATE OR A LEGIBLE PHOTOCOPY
15 THEREOF;

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

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

27 (3) PROOF OF VOTER REGISTRATION FROM ANOTHER STATE SHALL

1 NOT BE CONSIDERED PROOF OF CITIZENSHIP FOR PURPOSES OF THIS
2 SECTION.

3 (4) A PERSON WHO IS A REGISTERED ELECTOR AS OF JULY 1, 2006,
4 IS DEEMED TO HAVE PROVIDED PROOF OF CITIZENSHIP AND IS NOT
5 REQUIRED TO SUBMIT PROOF OF CITIZENSHIP PURSUANT TO THIS SECTION.

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

8 (a) MOVES WITHIN A COUNTY AND CHANGES HIS OR HER ADDRESS
9 ON THE REGISTRATION RECORD PURSUANT TO SECTION 1-2-216;

10 (b) CHANGES HIS OR HER NAME ON THE REGISTRATION RECORD
11 PURSUANT TO SECTION 1-2-218;

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

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

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

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

26 **SECTION 3.** 1-2-213 (2) (a), Colorado Revised Statutes, is
27 amended to read:

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

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

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

17 **1-2-217.5. Change in residence before close of registration -**
18 **emergency registration at office of county clerk and recorder.**

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

24 (b) Presents identification within the meaning of section 1-1-104
25 (19.5) AND PROOF OF CITIZENSHIP PURSUANT TO SECTION 1-2-205.5.

26 **SECTION 5.** 1-8.5-103 (2) (a), Colorado Revised Statutes, is
27 amended to read:

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

6 **SECTION 6. Applicability.** This act shall apply to voter
7 registration applications received on or after the effective date of this act.

8 **SECTION 7. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, and safety.