

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 26-0621.01 Rebecca Bayetti x4348

HOUSE BILL 26-1023

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A BILL FOR AN ACT

101 **CONCERNING CLARIFICATION OF A POLITICAL PARTY'S LIABILITY FOR**
102 **CERTAIN ACCESSIBILITY REQUIREMENTS RELATING TO BALLOT**
103 **ACCESS FOR PERSONS WITH DISABILITIES.**

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://leg.colorado.gov>.)

Under current law, the general assembly, the secretary of state, and each political party must ensure that it remains an option for a candidate in the state to access the ballot through the caucus process or any future alternative process that is accessible to persons with disabilities. A political party must also ensure that any person, upon request, is able to

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

participate in a precinct caucus or a party assembly with the use of a video conferencing platform or alternative means of participation. The failure of any political party to make a reasonable effort to comply with these accessibility requirements constitutes discrimination on the basis of disability in a place of public accommodation.

The bill clarifies that these duties are duties of the state political party and that a person who is subjected to a violation of a state political party's duties regarding these accessibility requirements may file suit against the state political party. An individual, including a member of or volunteer for a political party, or a local political party may not be held liable for a violation of the state political party's duties regarding these accessibility requirements.

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

SECTION 1. In Colorado Revised Statutes, 1-1-116, **amend** (1), (2), and (3) as follows:

1-1-116. Access to precinct caucus - party assembly.

(1) The general assembly, the secretary of state, and each STATE political party shall ensure that the caucus process or any future alternative process by which candidates may access the ballot that is accessible to persons with disabilities remains an option in the state.

(2) (a) Notwithstanding any provision to the contrary, within six months of August 7, 2024, any person WHO IS ELIGIBLE TO PARTICIPATE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 1-3-101, upon request, must be able to participate in a precinct caucus or a party assembly with the use of a video conferencing platform ~~The political party holding the caucus or assembly must allow participation with the use of a video conferencing platform~~ without requiring or requesting an explanation of the need for the use of the video conferencing platform. It is in a STATE political party's discretion to determine which video conferencing platform will be used for precinct caucuses and party assemblies so long as the platform is accessible to persons with disabilities. Each STATE

1 political party shall establish policies regarding the procedure and
2 timeline for a person to request to participate in a precinct caucus or a
3 party assembly with the use of a video conferencing platform.

4 (b) The requirements of subsection (2)(a) of this section do not
5 apply when a precinct caucus or party assembly occurs in a geographic
6 location that is in an unserved area of the state, as defined in section
7 40-15-102 (32); EXCEPT THAT ANY PERSON WHO IS ELIGIBLE TO
8 PARTICIPATE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 1-3-101,
9 UPON REQUEST, MUST BE ABLE TO PARTICIPATE IN SUCH PRECINCT CAUCUS
10 OR PARTY ASSEMBLY WITH THE USE OF AN ALTERNATIVE TO A VIDEO
11 CONFERENCING PLATFORM, SUCH AS A TELEPHONE CONFERENCE CALL.
12 THE ALTERNATIVE MEANS OF PARTICIPATION USED IN ACCORDANCE WITH
13 THIS SUBSECTION (2)(b) MUST BE ACCESSIBLE TO PERSONS WITH
14 DISABILITIES.

15 (c) ~~A political party holding a precinct caucus or party assembly~~
16 ~~that is exempt pursuant to subsection (2)(b) of this section from the~~
17 ~~requirements of subsection (2)(a) of this section must allow participation~~
18 ~~with the use of an alternative to a video conferencing platform, such as~~
19 ~~a telephone conference call. The alternative means of participation used~~
20 ~~by a political party in accordance with this subsection (2)(c) must be~~
21 ~~accessible to persons with disabilities.~~

22 (d) A STATE political party may require that a person request to
23 participate in a precinct caucus or a party assembly with the use of a video
24 conferencing platform, or an alternative to a video conferencing platform
25 as provided in ~~subsection (2)(c)~~ SUBSECTION (2)(b) of this section, not
26 more than thirty days in advance of the precinct caucus or party assembly.

27 (3) The failure of any STATE political party to make a reasonable

1 effort to comply with the requirements of this section constitutes
2 discrimination on the basis of disability in violation of ~~section 24-34-602~~
3 SECTION 24-34-601. Any person who is subjected to a violation of this
4 section is entitled to seek all relief provided in section 24-34-602
5 AGAINST THE STATE POLITICAL PARTY. AN INDIVIDUAL, INCLUDING A
6 MEMBER OF OR VOLUNTEER FOR A POLITICAL PARTY, OR A LOCAL
7 POLITICAL PARTY MAY NOT BE HELD LIABLE FOR A VIOLATION OF THIS
8 SECTION.

9 **SECTION 2. Safety clause.** The general assembly finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, or safety or for appropriations for
12 the support and maintenance of the departments of the state and state
13 institutions.