

# An Act

HOUSE BILL 26-1023

BY REPRESENTATIVE(S) Luck and Woodrow, Bottoms, Bradley, Brooks, Caldwell, Clifford, DeGraaf, Duran, Espenoza, Goldstein, Hartsook, Lindsay, Martinez, Phillips, Richardson, Slauch, Story, Suckla, Taggart, Velasco, Weinberg, Winter T.;  
also SENATOR(S) Baisley and Rodriguez, Zamora Wilson, Benavidez, Carson, Cutter, Daugherty, Exum, Frizell, Gonzales J., Jodeh, Kipp, Kolker, Marchman, Mullica, Pelton R., Wallace, Coleman.

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

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

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

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

(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,

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

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

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

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

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

(3) The failure of any political party to make a reasonable effort to comply with the requirements of this section constitutes discrimination on

the basis of disability in violation of ~~section 24-34-602~~ SECTION 24-34-601. Any person who is subjected to a violation of this section is entitled to seek all relief provided in ~~section 24-34-602~~ SECTION 24-34-602 (1.5) ONLY AGAINST THE CENTRAL COMMITTEE OF THE POLITICAL PARTY HOLDING THE CAUCUS OR ASSEMBLY. AN INDIVIDUAL, INCLUDING A MEMBER OF THE CENTRAL COMMITTEE OF THE POLITICAL PARTY OR A VOLUNTEER FOR THE POLITICAL PARTY, MAY NOT BE HELD LIABLE FOR A VIOLATION OF THIS SECTION.

**SECTION 2.** In Colorado Revised Statutes, 24-34-602, **add** (1.5) as follows:

**24-34-602. Penalty and civil liability.**

(1.5) (a) A PERSON AGGRIEVED BY A VIOLATION OF SECTION 1-1-116 MAY BRING AN ACTION IN ANY COURT OF COMPETENT JURISDICTION. UPON FINDING A VIOLATION OF SECTION 1-1-116, THE PLAINTIFF IS ENTITLED TO A COURT ORDER REQUIRING COMPLIANCE WITH THE PROVISIONS OF THE APPLICABLE SECTION AND EITHER:

(I) THE RECOVERY OF ACTUAL MONETARY DAMAGES; OR

(II) A STATUTORY FINE OF THREE THOUSAND FIVE HUNDRED DOLLARS, PAYABLE TO EACH PLAINTIFF FOR EACH VIOLATION.

(b) FOR A CLAIM BROUGHT FOR A VIOLATION OF SECTION 1-1-116, EACH CAUCUS OR ASSEMBLY IS CONSIDERED A SINGLE INCIDENT AND NOT AS SEPARATE VIOLATIONS.

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

the support and maintenance of the departments of the state and state institutions.

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Julie McCluskie  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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James Rashad Coleman, Sr.  
PRESIDENT OF  
THE SENATE

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Vanessa Reilly  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Esther van Mourik  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_  
(Date and Time)

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Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO