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HOUSE BILL 25-1195

BY REPRESENTATIVE(S) Johnson and Martinez, Bradfield, Armagost, Bacon, Bird, Boesenecker, Brown, Caldwell, Clifford, Duran, Jackson, Lieder, Phillips, Smith, Titone, Valdez, McCluskie, Feret, Hamrick, Joseph, Lukens, Ricks, Rutinel, Story, Velasco;
also SENATOR(S) Mullica and Baisley, Bridges, Cutter, Exum, Jodeh, Kipp, Liston, Marchman, Michaelson Jenet, Pelton B., Pelton R., Roberts, Snyder, Wallace, Weissman, Winter F.

CONCERNING THE ABILITY OF A FIRST RESPONDER OR THE SPOUSE OF A FIRST RESPONDER TO REQUEST THAT THE ADDRESS IN THEIR VOTER REGISTRATION RECORDS MAINTAINED BY THE COUNTY CLERK AND RECORDER OR THE SECRETARY OF STATE BE KEPT CONFIDENTIAL.

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

SECTION 1. In Colorado Revised Statutes, 24-72-204, **amend** (3.5)(a) introductory portion, (3.5)(b)(I), (3.5)(b)(II), (3.5)(b)(III), (3.5)(c) introductory portion, and (3.5)(e); **repeal** (3.5)(b)(V); and **add** (3.5)(h) as follows:

24-72-204. Allowance or denial of inspection - grounds - procedure - appeal - definitions - repeal. (3.5) (a) ~~Effective January 1,~~

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.

~~1992;~~ Any individual who meets the requirements of this subsection (3.5) may request that ~~the address of such individual~~ THEIR ADDRESS included in any public records concerning ~~that individual which~~ THEM THAT are required to be made, maintained, or kept pursuant to the following sections be kept confidential:

(b) (I) An individual may make the request of confidentiality allowed by this subsection (3.5) if ~~such~~ THE individual IS A FIRST RESPONDER OR IF THE INDIVIDUAL has reason to believe that ~~such~~ THE individual, or any member of ~~such~~ THE individual's immediate family who resides in the same household as ~~such~~ THE individual, will be exposed to criminal harassment as prohibited in section 18-9-111, ~~C.R.S.~~; or otherwise be in danger of bodily harm, if ~~such~~ THE individual's address is not kept confidential in accordance with this subsection (3.5).

(II) ~~A request of confidentiality with respect to records described in subparagraph (I) of paragraph (a) of this subsection (3.5) shall be made in person in the office of~~ AN INDIVIDUAL MUST MAKE THE REQUEST FOR CONFIDENTIALITY ALLOWED BY SUBSECTION (3.5)(a) OF THIS SECTION TO the county clerk and recorder of the county where the individual making the request resides. ~~Requests shall be made on application forms approved by the secretary of state, after consultation with county clerk and recorders~~ THE SECRETARY OF STATE SHALL APPROVE THE APPLICATION FORM FOR A REQUEST FOR CONFIDENTIALITY. The application form shall provide space for the applicant to provide ~~his or her~~ THEIR name and address, date of birth, and any other identifying information determined by the secretary of state to be necessary to carry out ~~the provisions of~~ this subsection (3.5). In addition, an affirmation ~~shall~~ MUST be printed on the form, in the area immediately above a line for the applicant's signature and the date, stating the following: "I swear or affirm, under penalty of perjury, that I have reason to believe that I, or a member of my immediate family who resides in my household, will be exposed to criminal harassment, or otherwise be in danger of bodily harm, if my address is not kept confidential OR THAT I AM OR HAVE BEEN A FIRST RESPONDER OR AM OR HAVE BEEN THE SPOUSE OR CIVIL UNION PARTNER OF A FIRST RESPONDER AND AM ELIGIBLE TO HAVE MY ADDRESS KEPT CONFIDENTIAL PURSUANT TO SECTION 24-72-204 (3.5)." Immediately below the signature line, there ~~shall~~ MUST be printed a notice, in a type that is larger than the other information contained on the form, that the applicant may be prosecuted for perjury in the second degree under section 18-8-503 ~~C.R.S.~~, if the applicant signs ~~such~~ THE affirmation and

does not believe such THE affirmation to be true OR IS NOT OR HAS NOT BEEN A FIRST RESPONDER OR THE SPOUSE OR CIVIL UNION PARTNER OF A FIRST RESPONDER.

~~(III) The county clerk and recorder of each county shall provide an opportunity for any individual to make the request of confidentiality allowed by this subsection (3.5) in person at the time such individual makes application to the county clerk and recorder to register to vote or to make any change in such individual's registration, and at any other time during normal business hours of the office of the county clerk and recorder. The county clerk and recorder shall forward a copy of each completed application to the secretary of state for purposes of the records maintained by him or her pursuant to subparagraph (I) of paragraph (a) of this subsection (3.5). The county clerk and recorder shall collect a processing fee in the amount of five dollars of which amount two dollars and fifty cents shall be transmitted to the secretary of state for the purpose of offsetting the secretary of state's costs of processing applications forwarded to the secretary of state pursuant to this subparagraph (III). All processing fees received by the secretary of state pursuant to this subparagraph (III) shall be transmitted to the state treasurer, who shall credit the same to the department of state cash fund~~ EACH COUNTY CLERK AND RECORDER SHALL:

(A) MAKE THE CONFIDENTIALITY REQUEST APPLICATION FORMS AVAILABLE IN THEIR OFFICE;

(B) PROVIDE THE CONFIDENTIALITY REQUEST APPLICATION FORMS TO INTERESTED PERSONS BY UNITED STATES MAIL, EMAIL DELIVERY, OR FACSIMILE TRANSMISSION, IF REQUESTED;

(C) PERMIT INDIVIDUALS TO SUBMIT COMPLETED AND SIGNED CONFIDENTIALITY REQUEST APPLICATION FORMS BY UNITED STATES MAIL, PERSONAL DELIVERY, EMAIL DELIVERY, OR FACSIMILE TRANSMISSION; AND

(D) PROCESS AN INDIVIDUAL'S REQUEST FOR CONFIDENTIALITY PURSUANT TO THIS SUBSECTION (3.5) WITHOUT IMPOSING A PROCESSING FEE OR ANY OTHER CHARGE.

~~(V) Notwithstanding the amount specified for any fee in subparagraph (III) or (IV) of this paragraph (b), the secretary of state by rule or as otherwise provided by law may reduce the amount of one or more of~~

~~the fees credited to the department of state cash fund if necessary pursuant to section 24-75-402 (3), to reduce the uncommitted reserves of the fund to which all or any portion of one or more of the fees is credited. After the uncommitted reserves of the fund are sufficiently reduced, the secretary of state by rule or as otherwise provided by law may increase the amount of one or more of the fees as provided in section 24-75-402 (4).~~

(c) The custodian of any records described in subsection (3.5)(a) of this section that concern an individual who has made a request ~~of~~ FOR confidentiality pursuant to this subsection (3.5) ~~and paid any required processing fee~~ shall deny the right of inspection of the individual's address contained in such records on the ground that disclosure would be contrary to the public interest; except that the custodian shall allow the inspection of the records by the individual, by any person authorized in writing by that individual, and by any individual employed by one of the following entities who makes a request to the custodian to inspect the records and who provides evidence satisfactory to the custodian that the inspection is reasonably related to the authorized purpose of the employing entity:

~~(e) No~~ A person shall NOT make any false statement in requesting any information pursuant to ~~paragraph (a) or (b) of this subsection (3.5)~~ SUBSECTION (3.5)(c) OR (3.5)(d) OF THIS SECTION.

(h) AS USED IN THIS SUBSECTION (3.5), UNLESS THE CONTEXT OTHERWISE REQUIRES, "FIRST RESPONDER" MEANS AN ELECTOR, AS DEFINED IN SECTION 1-1-104 (12), WHO IS OR WHO HAS BEEN ONE OF THE FOLLOWING:

(I) A PEACE OFFICER, AS DESCRIBED IN SECTION 16-2.5-101;

(II) A FIREFIGHTER, AS DEFINED IN SECTION 29-5-203 (10);

(III) A VOLUNTEER FIREFIGHTER, AS DEFINED IN SECTION 31-30-1102 (9)(a);

(IV) AN EMERGENCY MEDICAL SERVICE PROVIDER, AS DEFINED IN SECTION 25-3.5-103 (8);

(V) AN EMERGENCY COMMUNICATIONS SPECIALIST, AS DEFINED IN SECTION 29-11-101 (10.5);

(VI) THE SPOUSE OR CIVIL UNION PARTNER OF AN INDIVIDUAL SPECIFIED IN SUBSECTION (3.5)(h)(I), (3.5)(h)(II), (3.5)(h)(III), (3.5)(h)(IV), OR (3.5)(h)(V) OF THIS SECTION.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in

November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO