

April 10, 2025

*Submitted electronically*

House State, Civic, Military and Veterans Affairs Committee  
Colorado General Assembly  
200 E Colfax Avenue  
Denver, CO 80203

**Re: Support for SB25-001 – The Colorado Voting Rights Act**

Dear Chair Willford, Vice Chair Clifford, and Members of the House State, Civic, Military and Veterans Affairs Committee:

The NAACP Legal Defense and Educational Fund, Inc. (“LDF”) writes to convey our strong support for the SB25-001, the Colorado Voting Rights Act.

Founded in 1940 under the leadership of Thurgood Marshall, who would later become the United States Supreme Court’s first Black justice, LDF is America’s premier legal organization fighting for racial justice. Through litigation, advocacy, and public education, LDF seeks structural changes to expand democracy, eliminate disparities, and achieve racial justice in a society that fulfills the promise of equality for all Americans.

For 85 years, LDF has prioritized its work protecting the right of Black Americans to vote—representing Dr. Martin Luther King, Jr., and other marchers in Selma, Alabama in 1965, advancing the passage of the federal Voting Rights Act of 1965 (“federal VRA”) and litigating seminal cases interpreting its scope,<sup>1</sup> and working in communities across the nation to protect and strengthen the ability of Black voters to participate in the political process free from discrimination.

Justice Marshall—who litigated LDF’s watershed victory in *Brown v. Board of Education*,<sup>2</sup> which set in motion the end of legal apartheid in this country 70 years ago this month and transformed the direction of American democracy—referred to *Smith v. Allwright*,<sup>3</sup> the 1944 case ending whites-only primary elections in Texas, as his most consequential case. He held this view because he believed that the right to vote, and the opportunity to access political power, were critical to fulfilling the guarantee of full citizenship promised to Black people in the 14th Amendment to the U.S. Constitution.

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<sup>1</sup> LDF was lead counsel in the landmark 2023 federal VRA case *Allen v. Milligan*, 599 U.S. 1 (2023).

<sup>2</sup> 347 U.S. 483 (1954).

<sup>3</sup> 321 U.S. 649 (1944).

In recent years, as the Supreme Court has undercut the federal Voting Rights Act’s protections<sup>4</sup> and that landmark law faces further threats in the lower courts, LDF has prioritized state voting rights acts (“State VRAs”) as a key strategy to protect Black voters from increasing attacks on their freedom to vote. LDF has worked with partners to successfully advocate for the enactment of State VRAs across the country, including the John R. Lewis Voting Rights Act of New York in 2022, the John R. Lewis Voting Rights Act of Connecticut in 2023, and the Minnesota Voting Rights Act in 2024.<sup>5</sup>

We are working with robust coalitions of civil and voting rights advocates seeking to advance similar laws nationwide, always working to tailor the legislation to the particular needs and circumstances in each unique state.

This work has taken on new urgency as we experience attacks, not progress, on voting rights at the federal level. The Trump Administration’s Project 2025 agenda includes plans to undermine enforcement of protections against voting discrimination. Instead of strengthening these protections by enacting the John Lewis Voting Rights Advancement Act, leadership in Congress is pushing anti-voter legislation that will add more barriers to the ballot.

## **I. The Supreme Court has Upended or Eroded Key Protections of the Federal Voting Rights Act**

Although the individual and collective provisions of the federal Voting Rights Act have been effective at combatting a wide range of barriers and burdens,<sup>6</sup> federal courts have weakened many of the federal VRA’s protections in recent years, making it increasingly challenging for voters to vindicate their rights under the law. As a result, despite the federal VRA’s importance, Black voters and other voters of color often face significant barriers to participate in the political process and elect candidates of their choice.

For nearly 50 years, Section 5 of the federal VRA protected millions of voters of color from racial discrimination in voting by requiring certain states and localities to obtain approval from the federal government *before* implementing a voting change.<sup>7</sup> However, in *Shelby County, Alabama v. Holder*, the United States Supreme Court rendered Section 5’s “preclearance” process inoperable by striking down Section 4(b) of the VRA, which identified the places where Section 5 applied.<sup>8</sup> Predictably, the *Shelby County* decision unleashed a wave of voter suppression in states that were previously covered under Section

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<sup>4</sup> See, e.g., *Shelby Cty., Ala. v. Holder*, 570 U.S. 529 (2013); *Brnovich v. Democratic Nat’l Comm.*, 141 S. Ct. 2321 (2021).

<sup>5</sup> N.Y. Elec. L. §§ 17-200–222; Conn. Gen. Stat. §§ 9-368i–q; Minn. H.F. 4772.

<sup>6</sup> Myrna Pérez, *Voting Rights Act: The Legacy of the 15th Amendment*, Brennan Ctr. for Just. (June 30, 2009), <https://www.brennancenter.org/our-work/analysis-opinion/voting-rights-act-legacy-15th-amendment>.

<sup>7</sup> 52 U.S.C. § 10304.

<sup>8</sup> See *Shelby Cty., Ala. v. Holder*, 570 U.S. 529, 557 (2013).

4(b).<sup>9</sup> This onslaught accelerated in the years since the 2020 election, which saw historic levels of participation by voters of color (albeit with persistent racial turnout gaps).<sup>10</sup> Following that election, in 2021, state lawmakers introduced more than 440 bills with provisions that restrict voting access in 49 states, and 34 such laws were enacted.<sup>11</sup> This wave of harmful legislation shows no signs of abating: In the 2024 legislative sessions, at least 10 states enacted 19 restrictive voting laws, which represents more new restrictive voting laws enacted in 2024 than in any year in the last decade except for 2021.<sup>12</sup>

Section 2 of the federal VRA offers a cause of action—which means that a person is legally entitled to file a lawsuit—regarding any voting practice or procedure that “results in a denial or abridgment of the right of any citizen of the United States to vote on account of race.”<sup>13</sup> This protects voters against election systems that weaken or drown out voters’ voices based on race (known as “racial vote dilution”) as well as discriminatory barriers to the ballot (“voter suppression”). However, both vote dilution<sup>14</sup> and voter suppression<sup>15</sup> claims under Section 2 impose a high bar for plaintiffs. Section 2 cases are expensive, can take years to reach resolution, and often require multiple expert witnesses for both plaintiffs and defendants.<sup>16</sup> Section 2 cases could require six- or seven-figure expenditures

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<sup>9</sup> See NAACP Legal Def. & Educ. Fund, *Democracy Diminished* (Oct. 6, 2021), [https://www.naacpldf.org/wp-content/uploads/Democracy-Diminished\\_-10.06.2021-Final.pdf](https://www.naacpldf.org/wp-content/uploads/Democracy-Diminished_-10.06.2021-Final.pdf).

<sup>10</sup> Kevin Morris & Coryn Grange, *Large Racial Turnout Gap Persisted in 2020 Election*, Brennan Ctr. for Just. (Aug. 6, 2021), <https://www.brennancenter.org/our-work/analysis-opinion/large-racial-turnout-gap-persisted-2020-election>.

<sup>11</sup> Brennan Ctr. for Just., *Voting Laws Roundup: December 2021* (Dec. 21, 2021), <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-december-2021>.

<sup>12</sup> Brennan Ctr. for Just., *Voting Laws Roundup: 2024 in Review* (Jan. 15, 2025), <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-2024-review>.

<sup>13</sup> 52 U.S.C. § 10301. The U.S. Court of Appeals for the Eighth Circuit recently held that voters and organizations that represent them can no longer bring lawsuits directly under Section 2 of the federal Voting Rights Act (VRA). *Arkansas State Conf. NAACP v. Arkansas Bd. of Apportionment*, 86 F.4th 1204 (8th Cir. 2023). The Eighth Circuit’s opinion flies in the face of six decades of decisions in hundreds of cases under Section 2 of the federal Voting Rights Act.

<sup>14</sup> As recently reaffirmed by the Supreme Court in *Allen v. Milligan*, 599 U.S. 1 (2023), vote dilution cases under Section 2 are governed by the test set forth in *Thornburg v. Gingles*, 478 U.S. 30 (1986). Under this test, plaintiffs must first prove three preconditions before showing that, under the totality of the circumstances, that voters of color have less opportunity to participate in the political process and elect candidates of choice. *Id.* Over the course of nearly 40 years of litigation under this standard, federal courts across the country have applied this test in increasingly limited ways, *see, e.g., Bartlett v. Strickland*, 556 U.S. 1 (2009), leading to costly and prolonged litigation when voters of color seek to vindicate their rights.

<sup>15</sup> The Supreme Court has never provided a legal standard to govern voter suppression or vote denial claims under Section 2. *Brnovich v. Democratic Nat’l Comm.*, 141 S. Ct. 2321, 2325 (2021) (“the Court declines in these cases to announce a test to govern all VRA § 2 challenges to rules that specify the time, place, or manner for casting ballots.”). In *Brnovich*, the Supreme Court announced a flawed set of “guideposts” to help guide courts in evaluating these claims, but the guideposts have little relevance to the core question of whether the challenged act or practice has a discriminatory effect on voters of color, and have only served to increase the burden and complexity for voters who seek to use Section 2 to vindicate their rights in the face of racial discrimination in voting.

<sup>16</sup> *Voting Rights Act: Section 5 of the Act – History, Scope, and Purpose: H’rg Before the Subcomm. on the Constitution of the H. Comm. on the Judiciary*, 109th Cong. 92 (2005), [https://commdocs.house.gov/committees/judiciary/hju24120.000/hju24120\\_of.htm](https://commdocs.house.gov/committees/judiciary/hju24120.000/hju24120_of.htm) (“Two to five years is a rough average” for the length of Section 2 lawsuits).

by plaintiffs, posing a significant challenge to voters facing discrimination, who may lack the resources and specialized legal expertise to effectively prosecute Section 2 claims.<sup>17</sup> Due to these challenges, many potential Section 2 violations are never identified, addressed, or litigated in court.<sup>18</sup>

Section 2 claims are also expensive for jurisdictions to defend, regularly costing states and localities considerable amounts of taxpayer money. For example, in a recent Section 2 case challenging the at-large elections used by a school district in upstate New York, the district paid its lawyers more than \$7 million for unsuccessfully defending a lawsuit brought by the local NAACP branch—and, after the NAACP branch prevailed, was ordered to pay over \$4 million in plaintiffs’ attorneys’ fees and costs as well.<sup>19</sup> In *Veasey v. Abbott*, the federal lawsuit in which LDF challenged the State of Texas’s voter ID law with other civil rights groups and the U.S. Department of Justice, the district court and the Fifth Circuit Court of Appeals required Texas to pay more than \$6.7 million toward the non-DOJ plaintiffs’ documented litigation costs.<sup>20</sup>

Above and beyond its cost, litigation under Section 2 of the federal VRA simply cannot keep up with the urgency of the political process. Because elections occur frequently, discriminatory electoral maps or practices can harm voters almost immediately after rules are changed. Section 2 cases can last two to five years, and unlawful elections often take place before a case can be resolved.<sup>21</sup> In *Allen v. Milligan*, for example, although the Supreme Court ultimately held that Alabama’s congressional map violated the VRA, the state had already selected a class of representatives in Congress using the illegal map in 2022, nearly a year before the decision.<sup>22</sup>

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<sup>17</sup> *Voting Rights and Election Administration in the Dakotas: Hr’g Before the Subcomm. on Elections of the Comm. on H. Admin.*, 116th Cong. 64 (2019), <https://www.govinfo.gov/content/pkg/CHRG-116hhrg37645/html/CHRG-116hhrg37645.htm>.

<sup>18</sup> Test. of Prof. Justin Levitt, *Congressional Authority to Protect Voting Rights After Shelby County v. Holder: Hr’g Before the Subcomm. on the Const., C.R. & C.L. of the H. Comm. on Judiciary*, 116th Cong. 14 (Sept. 24, 2019) <https://www.govinfo.gov/content/pkg/CHRG-116hhrg39700/pdf/CHRG-116hhrg39700.pdf>.

<sup>19</sup> Jennifer Korn, *ERCSD Threatens to Fire Teachers if Legal Fees Not Cut to \$1: NAACP Leaders Respond*, Rockland Cnty. Times (Jan. 21, 2020), <https://www.rocklandtimes.com/2021/01/21/ercsd-threatens-to-fire-teachers-if-legal-fees-not-cut-to-1-naacp-leaders-respond/>; Report & Recommendation, *NAACP, Spring Valley Branch v. East Ramapo Central Sch. Dist.*, No. 7:17-08943-CS-JCM (S.D.N.Y. Dec. 29, 2020).

<sup>20</sup> See Mike Scarcella, *5th Circuit Upholds \$6.7 Mln in Fees For Plaintiffs in Voting Rights Case*, Reuters (Sept. 4, 2021), <https://reut.rs/3tN14L7>.

<sup>21</sup> See NAACP Legal Def. & Educ. Fund, *The Cost (in Time, Money, and Burden) of Section 2 of the Voting Rights Act Litigation 2* (Aug. 2024), [https://www.naacpldf.org/wp-content/uploads/Section-2-VRA-costs\\_as-of-8.8.24-final-00246.pdf](https://www.naacpldf.org/wp-content/uploads/Section-2-VRA-costs_as-of-8.8.24-final-00246.pdf); see also *Shelby Cty., Ala. v. Holder*, 570 U.S. 529, 572 (2013) (Ginsburg, J., concurring) (“An illegal scheme might be in place for several election cycles before a Section 2 plaintiff can gather sufficient evidence to challenge it.”).

<sup>22</sup> *Allen v. Milligan*, 599 U.S. 1 (2023). Although the District Court originally preliminarily enjoined the use of the map in the 2022 election, the Supreme Court vacated this order when granting certiorari. *Id.*

## II. State Voting Rights Acts Protect the Freedom to Vote and Build a Democracy That Works for All

As Black voters and other voters of color across the country face the greatest assault on their voting rights since the Jim Crow era, a growing number of states are acting to protect the right to vote and safeguard our democracy. With the passage of state VRAs, states can provide key protections to their constituents that prevent and guard against discriminatory voting practices and policies. With a Congress that has yet to strengthen federal voting rights legislation and federal courts continuing to erode the federal Voting Rights Act, states must lead by example to protect our right to vote.

Momentum is growing, as an increasing number of states, including California (2002), Washington (2018), Oregon (2019), Virginia (2021), New York (2022), Connecticut (2023), and Minnesota (2024), have enacted state VRAs, with numerous others making progress towards similar legislation. Moreover, state VRAs are extremely popular – a recent survey showed that more than three-quarters (78%) of voters support a voting rights act in their state, with strong majorities across race and party lines.<sup>23</sup> For more information about state VRAs, visit our state VRA landing page at [www.naacpldf.org/state-voting-rights-protect-democracy/](https://www.naacpldf.org/state-voting-rights-protect-democracy/).<sup>24</sup>

LDF, the nation's oldest and premier civil rights legal organization, fully supports SB 25-001, the Colorado Voting Rights Act. We thank you for the opportunity to provide this testimony.

Sincerely,

*/s/ Michael Pernick*

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<sup>23</sup> See *State VRA Key Findings*, <https://www.naacpldf.org/wp-content/uploads/LDF-State-VRA-Poll-Key-Findings-1-30-25.pdf>.

<sup>24</sup> See NAACP Legal Def. & Educ. Fund, *State Voting Rights Acts*, <https://www.naacpldf.org/state-voting-rights-protect-democracy/>.



Chair Jenny Willford  
Vice Chair Chad Clifford  
House State, Civic, Military, & Veterans Affairs Committee  
Colorado General Assembly  
April 14, 2025

## **Testimony of Campaign Legal Center in Support of Senate Bill 001**

### **I. INTRODUCTION**

Campaign Legal Center (“CLC”), is pleased to offer this testimony in support of Senate Bill 001, the Colorado Voting Rights Act (“S.B. 001” or the “COVRA”). CLC is a nonpartisan, nonprofit organization dedicated to advancing democracy through law. Through its extensive work on redistricting and voting rights, CLC seeks to ensure that every United States resident receives fair representation at the federal, state, and local levels. CLC supported the enactment of state voting rights acts in Washington, Oregon, Virginia, New York, Connecticut, and Minnesota, and brought the first-ever litigation under the Washington Voting Rights Act in Yakima County, Washington.

CLC strongly supports S.B. 001 because it will allow historically disenfranchised communities across Colorado to participate equally in the election of their representatives. CLC’s testimony will focus on the various procedural benefits that S.B. 001 will provide to voters and local governments alike in enforcing voting rights and protecting historically disenfranchised communities.

### **II. BACKGROUND**

States can offer new hope for voters by adopting state voting rights acts that improve upon their federal counterpart. By passing the COVRA, Colorado can reduce the cost of enforcing voting rights and make it possible for traditionally disenfranchised communities to enforce their rights. States can clarify that government-proposed remedies do not get deference as they might in federal court.

Importantly, they can also empower state courts to apply a wider range of locally tailored remedies that better serve communities of color.

Passage of the COVRA will mark a new era of voter protections for the people of Colorado by building upon the model of the federal Voting Rights Act (“VRA”) of 1965 with several key improvements. CLC’s testimony will share highlights of how filing a claim under this state voting rights act rather than the federal VRA is an improvement, specifically with vote dilution and vote suppression claims and available remedies.

The federal VRA is one of the most transformative pieces of civil rights legislation ever passed. Section 2 of the federal VRA prohibits voting practices or procedures that discriminate on the basis of race, color, or membership in [a] language minority group. The 1982 amendments to Section 2, which allowed litigants to establish a violation of the VRA without first proving discriminatory intent, created a “sea-change in descriptive representation” across the country.<sup>1</sup>

Despite this success, “litigating Section 2 cases [is still] expensive and unpredictable.”<sup>2</sup> Plaintiffs must often collect mountains of evidence to support the totality of circumstances inquiry, which means extended discovery periods and long trials. Given the heavy burden of proving a violation of Section 2 of the federal VRA, states serve a vital role in protecting and expanding the rights to vote and participate fully in American democracy.

Since the U.S. Supreme Court’s 2013 decision in *Shelby County v. Holder*,<sup>3</sup> communities across the country have faced a resurgence of voter suppression tactics. The ruling gutted the preclearance requirement of the federal VRA, enabling states with a history of discrimination to implement restrictive voting laws without federal oversight.<sup>4</sup> As a result, polling place closures, voter roll purges, and new barriers to registration have disproportionately impacted Black, Indigenous, and other communities of color.<sup>5</sup> In *Brnovich v. Democratic National Committee*, the Court

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<sup>1</sup> Michael J. Pitts, *The Voting Rights Act and the Era of Maintenance*, 59 ALA. L. REV. 903, 920–22 (2008).

<sup>2</sup> Christopher S. Elmendorf & Douglas M. Spencer, *Administering Section 2 of the Voting Rights Act After Shelby County*, 115 COLUM. L. REV. 2143, 2157 (2015).

<sup>3</sup> 570 U.S. 529 (2013).

<sup>4</sup> *Id.*

<sup>5</sup> See, e.g., Jasleen Singh & Sara Carter, *States Have Added Nearly 100 Restrictive Laws Since SCOTUS Gutted the Voting Rights Act 10 Years Ago*, Brennan Ctr. For Just. (June 23, 2023), <https://www.brennancenter.org/our-work/analysis-opinion/states-have-added-nearly-100-restrictive-laws-scotus-gutted-voting-rights>.

further weakened the VRA by making it even harder for voters to challenge discriminatory laws in court.<sup>6</sup> This decision has made it more difficult to prove claims of racial discrimination under Section 2 of the VRA, leaving voters with fewer legal avenues to defend their rights. Meanwhile, Congress has repeatedly failed to restore and strengthen the federal VRA by neglecting to pass the John R. Lewis Voting Rights Advancement Act. These developments have left millions of voters vulnerable to discrimination and suppression. In response to this national landscape, states must step in and ensure their voters have the legal tools necessary to defend their freedom to vote.

As historically disenfranchised communities continue to encounter significant barriers to exercising their rights, more states are stepping up to protect ballot access by passing their own state voting rights acts. With Congress struggling to enact reforms and courts weakening the federal VRA, state-level protections have become essential for combating discriminatory voting practices and ensuring a more inclusive and accountable democracy. These laws equip voters with tools to challenge unfair election policies while enabling local governments to implement proactive safeguards against disenfranchisement. Even if the federal VRA is restored and strengthened, state VRAs will remain crucial tools for addressing the unique needs of each state.

Momentum for state VRAs is growing. California (2002), Washington (2018), Oregon (2019), Virginia (2021), New York (2022), Connecticut (2023), and Minnesota (2024) have already enacted such protections, while states like Maryland, New Jersey, Florida, Michigan, and Arizona are working to follow suit. Colorado should take advantage of this opportunity and join these other states in ensuring all of its citizens have equal access to the democratic process.

The COVRA will apply more efficient processes and procedures to enforcing the voting rights of traditionally disenfranchised communities, saving Colorado time and money when going through voting rights litigation. It also makes it less costly for historically disenfranchised communities and local governments to collaboratively develop a remedy before resorting to expensive litigation.

### **III. REASONS TO SUPPORT S.B. 001**

The COVRA innovates on the federal VRA, as well as other state VRAs, by providing voters with stronger tools to challenge discriminatory policies and streamlining the procedural mechanisms for these kinds of claims. It creates a private cause of action for both vote dilution and vote suppression that are less costly and less burdensome means of enforcing voting rights for communities of color. Additionally, its notice requirements encourage collaboration between voters and local governments, enabling tailored remedies that address the specific needs and demographics of each

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<sup>6</sup> 594 U.S. 647 (2021).

jurisdiction. As discussed below, the following features of the COVRA are reasons to support the bill:

- The COVRA’s pre-suit notice provisions allow jurisdictions to proactively remedy potential violations.
- The COVRA provides express statutory guidance to ensure courts interpret voting-related conflicts in favor of the right to vote.
- The COVRA provides a framework for determining whether vote dilution or vote denials have occurred that is tailored to the barriers to voting historically disenfranchised communities face at the local level.
- The COVRA prioritizes remedies for voting discrimination that enable historically disenfranchised communities to equally participate in the franchise.

**A. S.B. 001 avoids lengthy litigation by allowing jurisdictions to proactively remedy potential violations.**

As set forth in § 1-47-202 of the COVRA, a prospective plaintiff must send a jurisdiction written notice of a violation and wait 60 days before bringing a lawsuit. During that time or before receiving any notice, the jurisdiction may remedy a potential violation on its own initiative and gain safe harbor from litigation for at least 90 days. § 1-47-202(1). The COVRA recognizes that many jurisdictions will seek to enfranchise historically disenfranchised voters by remedying potential violations. In doing so, these notice and safe-harbor provisions allow jurisdictions to avoid the costs and delay of lengthy litigation.

The COVRA also provides for limited cost reimbursement for pre-suit notices, in recognition of the fact that notice letters often require community members to hire experts to perform statistical analysis, and to ensure that such expenses do not prevent people from enforcing their civil rights. § 1-47-203(3)(b). Similar provisions are already part of voting rights acts in California, Oregon, New York, Connecticut, and Minnesota.

In contrast, no such presuit provision exists in Section 2 of the federal VRA. As a result, voters often spend considerable time and money investigating potential violations of the federal VRA, the cost of which is later borne by the taxpayer. This innovation on the federal VRA will encourage local governments to work with voters to find a solution, while saving the expense of litigation.

**B. S.B. 001 will provide guidance to Colorado State judges as they interpret laws, policies, procedures, or practices that govern or affect voting.**

The COVRA specifies that judges should liberally construe the statute in favor of protecting the right to vote. § 1-47-104. This language fulfills the promises of the

Colorado Constitution’s explicit guarantees that “[a]ll elections shall be free and open; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage”<sup>7</sup> and that “[t]he general assembly shall pass laws to secure the purity of elections, and guard against abuses of the elective franchise.”<sup>8</sup>

The COVRA’s instruction to courts to construe laws in favor of the right to vote is in line with the spirit of the Colorado Constitution. This clarification provides a default pro-voter rule for judges interpreting laws, policies, procedures, or practices that govern or affect voting, which will reduce litigation costs by avoiding unnecessary arguments over statutory interpretation. State VRAs in Washington, New York, Connecticut, and Minnesota contain a similar instruction.

**C. S.B. 001 provides a framework for determining vote dilution in a way that is efficient and cost-effective for both voters and jurisdictions.**

To bring a vote dilution claim under Section 2 of the federal VRA, a plaintiff must show that: (1) the minority group being discriminated against is sufficiently large and geographically compact to constitute the majority of voters in a single-member district; (2) there is racially polarized voting; and (3) white bloc voting usually prevents minority voters from electing their candidates of choice.<sup>9</sup> If these three conditions are met, the court then considers whether, under the totality of the circumstances, the practice or procedure in question has the result of denying a racial or language minority group an equal opportunity to participate in the political process.

The COVRA improves on the federal VRA in several ways: it ensures that integrated as well as segregated historically disenfranchised communities are able to influence elections and elect their candidates of choice; it provides plaintiffs an alternative to proving racially polarized voting; it sets out practical guidelines for courts to properly assess racially polarized voting; and it clarifies that coalitions made up of two or more protected classes are able to bring vote dilution claims.

Unlike the federal VRA, the COVRA does not require historically disenfranchised communities to be segregated residentially to receive protections under the statute. Like the state VRAs passed in California, Washington, Oregon, Virginia, New York, and Connecticut, the COVRA does not demand that the minority group being discriminated against prove that it is “sufficiently large and geographically compact” before being able to proceed with its lawsuit. § 1-47-205(4). Following the passage of civil rights legislation, residential segregation has decreased in some areas of the United States, yet racially polarized voting and

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<sup>7</sup> Colo. Const. art. II, § 5.

<sup>8</sup> Colo. Const. art. VII, § 11.

<sup>9</sup> *Thornburg v. Gingles*, 478 U.S. 30, 50–51 (1986).

underrepresentation of historically disenfranchised communities persist. Thus, many historically disenfranchised communities that do not face residential segregation may still lack equal opportunities to elect candidates of choice to their local government. By not requiring minority communities to be segregated to prove minority vote dilution, the COVRA takes this reality into <sup>1011</sup>

Decades of experience litigating cases under Section 2 of the federal Voting Rights Act have shown that the numerosity and compactness requirements for vote dilution claims are an unnecessary barrier to remedying significant racial discrimination in voting. The COVRA will allow violations to be remedied quickly and at much less expense to taxpayers than existing federal law and make it easier for historically disenfranchised communities to vindicate their rights and obtain remedies to resolve racial vote dilution. In previous federal VRA cases in Colorado, voters have had to spend time and money defending against allegations that historically disenfranchised communities were not sufficiently segregated to meet this condition, despite evidence making it clear that voters were denied the equal opportunity to elect their candidate of choice.<sup>12</sup>

The next requirement for a vote dilution claim under the federal VRA is for the plaintiffs to show racially polarized voting. Racially polarized voting (“RPV”) means that there is a significant divergence in the electoral choices or candidate preferences of protected class voters, as compared to other voters. Measuring RPV often depends on election return data, which is sometimes unavailable, especially in smaller jurisdictions and in places with long histories of vote dilution and disenfranchisement where candidates preferred by minority voters simply stop running for office. Thus, the effect of vote dilution itself means that minority communities will often be hard pressed to find “proof” that RPV exists in actual election results.

This is why it is critical that the COVRA has two paths to prove a vote dilution case, not just a one-size-fits-all approach. The first path allows affected voters to prove vote dilution by showing that a jurisdiction maintains a dilutive at-large or other system of election and RPV is present. § 1-47-106(2)(a)(I). The COVRA also sets out reliable and objective standards for courts to apply in their assessment of RPV. § 1-47-205(1).

But where election results used to assess RPV are unavailable, the COVRA also allows affected voters to show that they are nevertheless denied equal

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<sup>11</sup> Like other state VRAs, the COVRA does allow courts to consider whether a community is sufficiently compact or concentrated in determining a remedy to a vote dilution violation. § 1-47-205(4).

<sup>12</sup> See, e.g., *Sanchez v. State of Colo.*, 97 F.3d 1303, 1314 (10th Cir. 1996).

opportunity to participate in the political process under the totality of the circumstances. § 1-47-106(2)(a)(II). This path allows plaintiffs to introduce expert and fact evidence under a range of relevant factors identified by the Supreme Court, Congress, and other courts to demonstrate that the challenged map or method of election, in the words of the United States Supreme Court, “interacts with social and historical conditions to cause an inequality in the opportunities enjoyed by [protected class voters] and white voters to elect their preferred representatives” or influence the outcome of elections.<sup>13</sup>

Finally, the COVRA allows two or more protected classes of voters within an election district to bring a coalition claim, so long as they can establish that they are politically cohesive. §§ 1-47-103(23), 1-47-205(1)(a)(I). Coalition claims reflect the COVRA’s spirit and intent to protect all historically disenfranchised communities from discriminatory voting rules and election systems, whether they impact one or more than one racial or ethnic group. If two or more communities vote in a bloc together, organize to elect candidates together, and tend to suffer from vote dilution together, they should be able to work together to prove it and combat it.

**D. S.B. 001 provides a framework for determining denials of the right to vote that provides clarity to courts and voters alike.**

The COVRA provides a stronger standard for proving that a challenged practice denies or impairs a protected class’s access to the ballot. Every enacted state VRA affirms the right to vote without facing discriminatory election rules and practices, often referred to as “vote denial” or “voter suppression.” While the federal VRA once provided strong protections against these tactics, the U.S. Supreme Court has significantly weakened its enforcement, making it increasingly difficult to challenge more sophisticated forms of voter suppression. The COVRA fills this gap.

Under the federal VRA, voters may challenge practices which “result in a denial or abridgement” of the right to vote because of race or color.<sup>14</sup> The Supreme Court, however, greatly limited the kinds of claims that voters could make in *Brnovich*. Specifically, the Supreme Court set forth additional “guideposts” for proving vote denials that will make Section 2 claims even more costly and time consuming to litigate.<sup>15</sup> Furthermore, the lack of clarity provided in *Brnovich* leaves federal courts in the lurch about the appropriate way to interpret vote denial claims under Section 2.

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<sup>13</sup> See, e.g., *Gingles*, 478 U.S. at 47.

<sup>14</sup> 52. U.S.C. § 10301.

<sup>15</sup> *Brnovich*, 594 U.S. at 666.

The COVRA, however, establishes a clear, consistent standard that benefits voters, local governments, and courts. To establish a *prima facie* case of vote suppression under § 1-47-204 of the COVRA, plaintiffs must show, by a preponderance of the evidence, that the challenged actions results or will result in a material disparity between a protected class and other eligible electors with respect to voter participation, voting opportunities, or the opportunity or ability to participate in the political process. After that showing has been made, the burden shifts to the political subdivision to demonstrate by clear and convincing evidence that the challenged action is necessary to further an important, particularized governmental interest. Even where that burden has been met, the challenged action may still be invalid where plaintiffs can show it is not the less restrictive means of achieved the identified interest—that is, where plaintiffs can show by a preponderance of the evidence that the political subdivision could comparably further the identified important, particularized governmental interest through an alternative policy that results in a smaller disparity between members of the protected class and other eligible electors.

This burden-shifting framework is modeled on a similar framework that is used in nearly all anti-discrimination statutes. This standard is an important way that the COVRA demonstrates respect for local control of elections. Unlike the Supreme Court’s decision in *Brnovich* interpreting the federal VRA, this standard gives a political subdivision an opportunity to justify the change and to respond to plaintiffs’ claims. Political subdivisions maintain local control, so long as any action that results in a material disparity furthers an important, particularized governmental interest and is the least restrictive means of doing so.

**E. S.B. 001 expands the remedies that historically disenfranchised communities can seek to ensure their electoral enfranchisement.**

Under the COVRA, if a violation under §§ 1-47-105, 1-47-106, 1-47-107, or 1-47-108 is found, the court shall order appropriate remedies that are tailored to address the violation. § 1-47-206(2)(a) This part of the bill recognizes that vote denial and vote dilution tactics take many different forms and are not solely limited to traditional methods of voter discrimination.

The COVRA also specifies that courts may not defer to a proposed remedy simply because it is proposed by the local government. § 1-47-206(2)(b). This directly responds to an egregious flaw in the federal law, where Section 2 has been interpreted by the federal courts to grant government defendants the “first opportunity to devise a [legally acceptable] remedial plan.”<sup>16</sup> This often leads to jurisdictions choosing a remedy that only minimally addresses a discriminatory voting practice rather than fully enfranchising those who won the case. For example, in *Cane v. Worcester County*,

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<sup>16</sup> *Cane v. Worcester County*, 35 F.3d 921, 927 (4th Cir. 1994).

the Fourth Circuit applying the federal VRA explained that the governmental body has the first chance at developing a remedy and that it is only when the governmental body fails to respond or has “a legally unacceptable remedy” that the district court can step in.<sup>17</sup> This is antithetical to the concept of remedying racial discrimination; courts should not defer to the preferences of a governmental body that has been found to violate anti-discrimination laws in fashioning a remedy for that body’s own discriminatory conduct. The COVRA avoids this problem by allowing the court to consider remedies offered by any party to a lawsuit, and prioritizing remedies that are tailored to address the violation.

This bill also promotes settlement through this specification that courts must weigh all proposed remedies equally and decide which one is best suited to help the impacted community, instead of giving deference to the remedy proposed by the government body that violated that community’s rights.

#### **IV. CONCLUSION**

We strongly urge you to enact the COVRA and strengthen voting rights in the state of Colorado. The COVRA signifies a pivotal inflection point for the state of Colorado to lead in protecting voting rights and eliminating barriers to citizens making their voices heard.

Respectfully submitted,

*/s/ Marisa Wright*

Marisa Wright, Legal Fellow  
Valencia Richardson, Legal Counsel  
Campaign Legal Center  
1101 14th St. NW, Suite 400  
Washington, DC 20005

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<sup>17</sup> *Id.*



April 11, 2025

House State, Civic, Military & Veterans Affairs Committee  
Colorado General Assembly  
200 E Colfax Avenue  
Denver, CO 80203

**RE: Colorado Voting Rights Act, SB25-001**

Dear Chair Willford, Vice Chair Clifford, and Members of the Committee:

I am writing on behalf of Dēmos to express our strong support for SB25-001, the Colorado Voting Rights Act (COVRA).

Dēmos is a non-profit public policy organization working to build a just, inclusive multiracial democracy and economy. We build power with and for Black and brown communities through our strategic partnerships with state-based and grassroots organizations, leveraging more than two decades of experience advancing policy solutions, research, legal advocacy, and narrative strategies. Since our founding in 2000, we have worked with our partners to put pro-democracy and economic justice narratives at the center of the national conversation and shift law and policy closer toward a just, multiracial democracy.

Building a just, multiracial democracy requires government at all levels to address racially discriminatory practices that deny voters of color full political power. While the federal Voting Rights Act of 1965 (VRA) has historically helped protect voters from racial vote dilution and others forms of discrimination in voting, the U.S. Supreme Court and other federal courts have, in recent years, severely weakened the VRA's protections in cases like *Shelby County v. Holder* (2013) and *Brnovich v. DNC* (2021).

In 2022, the Colorado General Assembly adopted an important resolution urging Congress to strengthen the federal VRA. Unfortunately, Congress has failed to pass any legislation that strengthens or restores the VRA or that otherwise increases voting access for voters of color. In the face of weakened federal protections, a growing number of states have begun to pass state-level voting rights acts to protect their constituents from racial discrimination in voting. These state voting rights acts not only include voter protections modeled after the VRA but also, in many cases, enact new measures that expand access to the ballot even further.

Colorado has the opportunity to join other states leading on state-level voter protections by enacting the COVRA. SB 25-001 builds on the protections provided in the federal VRA by implementing

streamlined standards and procedures that both protect the freedom to vote and make voting rights litigation less costly and time-intensive than litigation under the federal VRA. Although Colorado law features important pro-voter policies, it contains no protection against racial vote dilution.

In addition to protecting access to the ballot box, prohibiting vote dilution helps create a more inclusive and accountable democracy. When voters of color are systematically prevented from electing their preferred candidates, entire communities are left without a voice in decisions that directly impact their lives. Combatting vote dilution is a necessary step toward making the vision of a government that is truly of, by, and for the people a reality.

SB25-001 would also build upon and strengthen Colorado state law regarding language assistance in voting. The enactment of HB21-1011 in 2021 broadened language access required under 203 of the federal VRA, mandating translated sample ballots for language groups at thresholds lower than those under federal law, as well as creating a statewide language assistance hotline. SB25-001 would expand language access from the county level to include qualifying municipalities and municipal elections and would align language access at multiple levels of local government.

In addition, SB25-001 would: (1) provide a private right of action against racial vote dilution; (2) empower the Colorado Attorney General to enforce voting rights under the COVRA; (3) provide new protections for disabled voters in residential facilities and for eligible voters in county jails during elections; (4) add new protections for LGBTQ+ voters by prohibiting discrimination in voting based on gender identity, gender expression, or sexual orientation, and (5) create a statewide database for state and local government, as well as the public, to better understand the impacts of race, language, and disability status on voting.

Passing this package of legislation would create one of the most comprehensive state-level voting rights acts in the country, building on successful laws already on the books in Virginia, New York, Connecticut, California, Washington, and Oregon.

Colorado has already taken important steps to expand voting rights through legislation and constitutional amendments. Enacting the COVRA will further help remedy racial inequities in voting in Colorado and enable Colorado to continue to be a leader in building a just, multiracial democracy.

For these reasons, we urge a favorable report and passage of SB25-001.

**Submitted by:**

Phi Nguyen

Director of Democracy, Demos

**Demos**



April 2025

To: House State, Veterans & Military Affairs Committee

Re: SB25-001—Colorado Voting Rights Act

Dear Committee Members,

The American Association of University Women (AAUW) is one of the oldest women's organizations in the country, empowering women since 1881. The mission of AAUW is to advance equity for women and girls through research, education and advocacy. More than 700 community leaders are members of AAUW branches around Colorado.

AAUW was a leading organization in securing the right to vote for women in 1919. Over time, AAUW has continued to advocate for voting rights for all eligible citizens. At the same time, Colorado has become the gold standard for making voting accessible to all voters.

SB001 adds more protections for voters who are members of Indian tribes; voters with disabilities, and voters with limited language abilities. SB001 also prohibits political subdivisions from taking any action that results in a material disparity between electors who are members of a protected race, color, or language minority group or other minority reporting group and other eligible voters. The bill expands existing requirements for the creation of multilingual ballots to include qualifying municipalities.

AAUW's focus is on equity for women and girls, and we believe SB001 is an important step toward creating a more equitable society for everyone.

For these reasons, AAUW of Colorado strongly supports Senate Bill 001 and requests your YES vote in committee and throughout the process of becoming law.

Respectfully submitted,

A handwritten signature in blue ink that reads "Su Ryden". The signature is fluid and cursive.

**Hon. Su Ryden**  
**AAUW Colorado Public Policy Co-Director**

16699 E. Kentucky Ave., Aurora, CO 80017  
303.898.5797 [su@ryden.com](mailto:su@ryden.com)

*American Association of University Women--AAUW is a top-rated 501(c)3 charitable organization whose mission is to advance gender equity for women and girls through research, education, and advocacy.*



City of  
Golden

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03/25/2024

Don Cameron  
Lisa Vitry  
Legislative Subcommittee  
City of Golden

RE: SB25-001– Colorado Voting Rights Act

Dear Committee Members,

The Golden Legislative Subcommittee, based on review of our 2025 Legislative Policy Statement, is writing to on behalf of the City Council of Golden to request an amendment to SB25-001, Colorado Voting Rights Act. While the City Council of Golden supports the expansion of voter protections in Colorado and commends the sponsors for ensuring elections in Colorado remain free, fair, accessible, and equitable, the bill’s structure has raised cause for concern.

SB25-001’s focus on municipal elections conflicts directly with Article XX, Section 6 of the Colorado Constitution, which allows municipalities the power and control to regulate their own elections. In our own policy statement, the City Council of Golden is committed to the protection of home rule, opposing any legislation which would diminish the powers of municipal government to manage issues locally. To this end, SB25-001’s current structure both conflicts with the direct text of the Colorado Constitution and will adversely affect municipalities’ management of their own elections.

We respectfully ask that the committee consider amendments to this bill to exclude municipalities, instead focusing on state and coordinated elections. Without such an amendment, the City Council of Golden opposes the bill and hopes the legislature will consider a different approach to combatting voter suppression.

Thank you for your attention to this matter.

Respectfully,

Lisa Vitry  
District 1 Councilor

Don Cameron  
Ward 3 Councilor

## MEMO

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TO: Senate Judiciary Committee  
FROM: The Arc of Colorado | Meredith Henry, Senior Policy Associate, [mhenry@thearcofco.org](mailto:mhenry@thearcofco.org)  
RE: **Colorado Voting Rights Act**  
DATE: Monday, April 14, 2025

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Thank you, Chair and members of the Committee, for the opportunity to submit warren testimony. My name is Meredith Henry, and I am the Senior Policy and Advocacy Associate at The Arc of Colorado. Our mission is to protect the human rights of individuals with intellectual and developmental disabilities (IDD) and advocate for their full inclusion and participation in the community.

We strongly support SB25-001 Colorado Voting Rights Act and appreciate the efforts of the bill's sponsors in the House, Rep. Bacon and Rep. Joseph. Strengthening the voting rights of Coloradans with disabilities is essential. Voting is a fundamental right and a cornerstone of our democracy. With over 625,000 Coloradans living with one or more disabilities, and an increasing number of individuals with disabilities and older adults in Colorado, it is crucial to provide enhanced voting rights protections to prevent further marginalization. This will also demonstrate that Colorado's commitment to disability rights, and its values of progress, liberty, justice, and equity, remains strong.

For too long, individuals with disabilities, particularly those with IDD, have been excluded from voting due to prejudiced assumptions about their abilities, as well as a lack of effective communication services and supports. The ADA, which has been law since 1990, mandates these services, including language access beyond just English as a second language.

This bill is critical in strengthening requirements for notice, plain English communications, and voting rights protections for people with disabilities. It also underscores the importance of including the ADA, particularly Title II, which addresses "effective communication" accommodations to ensure that individuals with communication disabilities have equal access to voting and the protection of their civil rights.

In Colorado, we must view the ADA as the floor, not the ceiling. While the ADA sets the minimum requirement, we must strive for more. By going beyond these basic requirements, we can create a more inclusive society and ensure full participation for people with disabilities in both our communities and our democracy.

This bill is essential to ensuring that individuals with disabilities in Colorado can fully participate in voting and have their civil rights protected.

Thank you for your consideration and support.

Thank you Madame Chair and members of the committee. My name is Maggie Gómez and I am the Colorado State Director with the State Innovation Exchange. SiX is a national non-profit resource and strategy center that collaborates with community organizations and state legislators to improve people's lives through transformative public policy, and I am here in strong support of SB-001, the Colorado Voter Rights Act. State legislatures and state courts play a crucial role in advancing the freedom to vote and ensuring that elected officials reflect our vibrant and diverse communities. State VRAs also help communities enforce their voting rights at the local and state levels and empower courts to approve locally tailored policies that advance real representation in government.

The Voting Rights Act of 1965 has been a vital tool to expand and protect democracy for people of color across the US. The federal VRA has been severely weakened over time and has inherent limitations, underlining the need for state-based VRAs. At a time when federal voting protections are being eroded, and many states are implementing restrictive voting laws, Colorado has expanded mail in voting, same day voter registration, and just recently allowed voters in jail to have access to an in person voting event. SB-001 keeps this momentum to safeguard and expand voter protections moving forward.

State VRAs protect the voting access citizens have today, shielding voters from any ongoing attempts by the federal government to weaken voting rights, regardless of who controls Congress or the White House. To this point, as of June 2024, several states have enacted state VRAs that impact local elections since 2002: *California (2002), Washington (2018), Oregon (2019), Virginia (2021), New York (2022), Connecticut (2023), and Minnesota (2024)*. Five other states have VRAs moving, including Colorado (MD, CO, AZ, FL, AL, NJ).

We know Colorado voters take great pride in our state's election system and are deeply committed and supportive of ensuring and expanding fair and equitable access to the ballot box because we asked them in January 2025 in a [statewide poll](#). We found that two-thirds of Coloradans support taking action to protect civil rights and liberties in elections. And more specifically, voters back the CO VRA by a 28-point margin (61% to 33%), with significant support across all major demographic subgroups. Moreover, unaffiliated voters and self-identified independents also show strong support, with margins of 64% to 28% and 62% to 30%, respectively. So, the results are clear: Coloradans want bold action to protect our civil rights and build a more equitable democracy and SB-001 sets clear and fair standards to ensure that every community member has an equal voice in our elections, and I respectfully ask for an Aye vote. Thank you.



Good Afternoon Madam Chair and Committee Members,

My name is Kristina Ericson and I am a disability policy advisor and ADA specialist, and also a proud election judge. I am here in support of Senate Bill 25-001.

I proudly work for the State of Colorado's Developmental Disabilities Council - a 24 member, governor appointed, Council that advocates for systems change for Coloradans with intellectual and developmental disabilities (I/DD). We are mandated under federal law to work with you all to help make Colorado more accessible and inclusive, and to help Coloradans with disabilities live a meaningful life.

We believe that living a meaningful life includes being civically engaged, and being able to make your voice heard. While many of us in this room might not think twice about filling out a ballot, many people do. Coloradans with disabilities, of all types, routinely face barriers to voting. Every single election I talk with disabled voters who have hit a barrier. They've discovered that they can't get into their local polling place. Or that there weren't any accessible ballots available in their region. Or that the election judges there to help them with accommodations didn't know what an accommodation was. This bill protects disabled people. It aims to make voting processes more accessible to disabled Coloradans through increased education and notice of coordinated elections, language access, and increasing access to remote voting processes. This is needed.

And it's important! Colorado is a national leader in accessibility. We were recently ranked, once again, as the number one state to live in for Americans with disabilities - which is a bragging right I would love to keep. Other states look to us for leadership and guidance in this space. When we advance disability rights here, there's a massive ripple effect. I see it everyday. That said, we still have a lot of work to do.

Thank you for your time, and for your consideration of this bill, and I look forward to doing the work with you.

In community,

**Kristina Ericson**, MSW, CPACC, ADAC (she/her)  
Director of Policy and Outreach  
Colorado Developmental Disabilities Council  
Phone: (720) 703-5101



Colorado Developmental  
Disabilities Council

Madam Chair and members of the House State Affairs Committee, my name is Sierra Rodriguez, and I am testifying on behalf of Young Invincibles in support of the Colorado Voting Rights Act.

Young Invincibles is a nonprofit organization dedicated to ensuring all young people have the opportunity and access to fully participate in our political process and achieve their fullest economic potential. Colorado Common Cause, the primary author of SB-001, works to strengthen democracy by promoting open, honest, and accountable government through advocacy, education, and grassroots organizing.

I'm a resident of Arvada, Colorado, and currently pursuing my master's degree at CU Boulder. This past election cycle, I had the privilege to work in Colorado's 8th Congressional District, one of the most competitive races in the nation, decided once again by fewer than 2,500 votes.

This district will continue to be a battleground every election cycle for years to come. Both parties will invest millions of dollars into this community, and it will be a focal point in discussions about control of the U.S. House of Representatives.

That's why it is critical for both parties to encourage and protect voter turnout for our most vulnerable communities, as outlined in SB-001. Every vote truly matters in a race like this. And while Colorado is rightfully praised for having the 'gold standard' in voting access, there are still gaps in access to the ballot for multilingual voters, voters in the criminal justice system, and voters with disabilities. Additionally, the recently passed SAVE Act in the U.S. House threatens our Gold Standard for all Colorado voters, Democrats, Republicans and Unaffiliateds alike. The areas that will be impacted the most will be races like the one in CD-08.

Legislation like the SAVE Act would disproportionately impact millions of eligible voters, especially voters of color, people with disabilities, rural residents, and the 69 million married women who have changed their names, by requiring documents that many do not have readily available. By mandating in-person document verification, it also undermines Colorado's mail and online registration systems and voter registration drives, directly attacking the very systems that make our elections accessible and secure.

With diverse districts all across the state, it is your responsibility as our representatives to protect our freedom to vote. With legislation being proposed at the federal level to restrict access to the ballot, the question is clear: what side of history do you want to be on? The side that stood by while millions lost their most sacred right, or the side that took action to defend it?

Now is not the time to wait and see what the U.S. Senate will do. Coloradans are looking to you to defend us. The stakes are too high. Now is the time to protect all Coloradans. I urge you to vote yes on SB25-001 and send it to the Governor's desk.

Thank you for your time and consideration.



**TO: Members of the House State, Veterans, & Military Affairs Committee 2025.**

April 14, 2025

Re: SB25-001 – CO Voting Rights Act

Good Afternoon Madam Chair and Members of the House State, Veterans & Military Affairs Committee:

My name is Dr. Barbara Whinery, and I live in Greeley, CO. I have been a long-time member of the League of Women Voters Greeley-Weld County and I am also a member of the LWV Colorado Board of Directors as Director of Voter Services.

The League of Women Voters believes that voting is a fundamental citizen right that must be guaranteed. SB25-001 – the Colorado Voting Rights Act, provides specific, state-level protections to all of our state's eligible voters and advances this foundational belief of our organization. I urge you to support this bill.

Colorado has a statewide interest in preventing discrimination in voting and our public policy should take active steps to promote this interest. By enacting a state VRA, Colorado can ensure our voters are protected from voter discrimination and vote dilution, Colorado must continue leading the way in voter participation and elections integrity by ensuring that our election administrators have the information needed, through the improved data collection provisions of the COVRA, to be able to address barriers to participation and identify practices that can lead to diluted representation.

Voter access and fair representation must be assured at all levels of government. As a resident of Weld County, I have had significant concerns related to the redistricting process at the local level since I have personal experience with my county and believe it is essential that our local officials have the tools and clarity needed to successfully carry out their redistricting responsibilities to ensure the voice of all voters is protected no matter where they live in Colorado.

Importantly, if or when these protections aren't in place or aren't respected, we must also ensure that the Colorado Attorney General is empowered to take action.

Thank you for your attention to this critically important legislation. I urge you to vote YES on this bill.

Sincerley,  
Dr. Barbara Whinery  
235 N. 49<sup>th</sup> Ave. Place  
Greeley, CO 80634  
970-396-5184



Testimony from:  
Deb Otis

**In SUPPORT of SB25-001 “Colorado Voting Rights Act”**

April 14, 2025

Colorado House Committee on State, Civic, Military, & Veterans Affairs

Chair Willford, Vice Chair Clifford, and Members of the Committee,

I am writing to express FairVote Action’s support for SB25-001, also known as the Colorado Voting Rights Act (VRA). This landmark legislation would address discrimination against voters of color and position Colorado as a national leader on protecting the right to vote.

With a U.S. Supreme Court that seems intent on eliminating federal voting rights protections, the passage of state-level voting rights acts is the most effective tool to protect and promote the franchise of all Americans. Since California passed the first state Voting Rights Act in 2001, New York, Connecticut, Washington, Virginia, Oregon, and Minnesota have passed their own state VRA legislation too.

In every state, discriminatory barriers to equal participation still exist for voters of color and voters whose first language is not English, particularly at the local level. The Colorado VRA would go above and beyond the protections provided by federal law and ensure that all Coloradans have an equal opportunity to participate in the political process.

The Colorado VRA builds on the most impactful provisions of other states’ Voting Rights Acts, and would create some of the strongest voting rights protections in the country:

- The bill prohibits voter suppression and vote dilution.
- The language assistance provisions in the bill will remedy inequalities in voter registration rates for language communities that have been identified by the U.S. Census Bureau.
- The bill would give voters new rights to bring claims of discrimination to state courts, and ensure the judiciary is committed to protecting the fundamental right to vote for every Colorado citizen.
- The bill’s creation of a database for state election information represents another great innovation, allowing Colorado to track how local elections are conducted, monitor progress on voting access, and make even more improvements in the future.

The Colorado VRA also allows localities and courts to use share-based methods of election to remedy violations of the voting rights protections provided in the bill. There is no one-size-fits all approach to ensure that every voter’s voice is heard, so it is important to give courts appropriate flexibility to tailor remedies to local conditions and the nature of the violation. This provides more options and more agency for impacted communities to decide what solution works best for them.

FairVote Action is available to answer any other questions from the committee or provide additional data. You can reach me at dotis@fairvoteaction.org and my FairVote Action colleagues at info@fairvoteaction.org.

Thank you for the opportunity to testify.

Sincerely,

*Deb Otis*

Director of Policy and Research at FairVote Action

## Testimony for SB25 001

Thank you, Chair Wilford, Vice Chair Clifford, and esteemed members of House State, Civic, Veterans, and Military Affairs. Thank you, Representative Bacon and Representative Joseph, for bringing this crucial bill. My name is Michael Neil, and I rise in strong support of SB25-001 on behalf of Colorado Cross-Disability Coalition and myself. In these trying times of both federal attempts at voting suppression, I am proud to live in a state like Colorado that seeks to make voting easier rather than harder and to expand turnout as much as possible. We often say that Colorado has gold-standard election procedures, and we do, but we can always improve. While, for the purposes of people with disabilities, this bill only seeks to create notification of the ability, time, and location of voting in facilities serving people with disabilities for general and coordinated elections, and I wish that we were in a year when we could do more, I deeply understand our fiscal constraints.

Moreover, as CCDC is an organization focused on people with disabilities, but strongly allied to a number of non-profits serving those of all marginalized Coloradans, I deeply appreciate the section of the bill that prohibits political subdivisions from taking actions that result in, will result in, or is intended to result in a material disparity between electors who are members of a protected race, color, or language minority group or other minority reporting group and other eligible electors in regard to voter participation, access to voting opportunities, or the opportunity or ability to participate in the political process. I also appreciate the language surrounding the prohibition on employing any method of election that has the effect of, or is motivated in part by the intention of, disparately impairing the opportunity or ability of protected class members to participate in the political process, elect the candidates of their choice or otherwise influence the outcome of elections as a result of diluting the vote of protected class members. It is with this thanks that I firmly ask for an aye vote on SB25-001.



**TO: Members of the House State, Veterans, & Military Affairs Committee**

April 14, 2025

Re: SB25-001 – CO Voting Rights Act

Thank you Madame Chair and Members of the House State Affairs Committee:

My name is Andrea Wilkins and I am the legislative liaison with the League of Women Voters of Colorado. I am here to testify in strong support of SB25-001 – the CO Voting Rights Act.

For over 100 years, the League has worked to educate voters and encourage citizen participation in our political process. LWVCO is proud to be part of a coalition of civic engagement organizations that have been working for over a year on the development of the Colorado VRA to strengthen voter access and provide additional state-level protections to combat voter discrimination. As voter access across the U.S. is being challenged and we see dilution of the federal Voting Rights Act of 1965, many Colorado voters feel we can no longer rely solely on federal law protections, and that Colorado must do everything possible to ensure the voices of our citizens are heard. SB 001 does just that and we are pleased that our state continues to lead the way in promoting elections integrity and voter participation.

We believe the specific actions provided in SB 001 will effectively address the unique voter access challenges faced by segments of our voting population, providing for remedies and enforcement if needed. At a time when confidence in our public institutions and our system of democratic government is dangerously low, strong elections administration that ensures government is responsive to the people is key to restoring faith in our institutions.

States are constitutionally vested with the power to regulate their elections, and we are proud of the fact that Colorado is a national leader in strengthening voter protections, voter access, and election security. We are excited about the opportunity that lies before us to further build on these protections via SB 001 and ensure that our state's values of inclusiveness, self-determination, and government by and for the people are reflected in our elections system.

Thank you for your consideration and we urge you to support this bill.

Sincerely,

A handwritten signature in black ink that reads "Andrea Wilkins".

Andrea Wilkins, Legislative Liaison  
League of Women Voters of Colorado



April 14, 2025

House State, Civic, Military, & Veterans Affairs Committee  
Colorado General Assembly  
200 E. Colfax Avenue  
Denver, CO 80203

RE: SB25-001 – Colorado Voting Rights Act

My name is Jeanne Clelland. I am a member of the League of Women Voters of Colorado and co-leader of the Voting Methods Team of the League of Women Voters of Boulder County. I am also a Professor of Mathematics at the University of Colorado-Boulder, although I do not speak on behalf of the university. I am here to testify in strong support of SB25-001, the Colorado Voting Rights Act.

I want to speak particularly to the portion of the bill regarding the collection and archiving of election data, including precinct-level elections results for all elections, as well as maps of precinct boundaries for each election, in standard electronic formats. I have two main points:

- (1) Much of this data is currently not available. Precinct-level election results are available for state and federal general elections, but not for primary or local elections. More importantly, electronic maps of precinct boundaries---which change frequently---are available from some (but not all) county clerks' offices, but this data is not collected in any central location by the state, or even retained for archival purposes as boundaries change. Without these maps, precinct-level election results cannot be interpreted geographically, or combined with other geographic data, such as census population data.
- (2) This data is a crucial ingredient to a wide variety of election analysis. In particular, legal claims of vote dilution rely on statistical analyses of racially polarized voting. This is the data on which these analyses are based, and without it, it is simply impossible to accurately assess claims of vote dilution.

This data has other purposes as well. In 2021, I served as a consultant to the Colorado Independent Legislative Redistricting Commission regarding the assessment of district competitiveness. In order to make this assessment, my colleagues and I went through a laborious and time-consuming process of collecting maps of precinct boundaries from prior elections.

Despite our best efforts, we were only able to collect maps for 2016, 2018, and 2020, so we could not include any elections prior to 2016 in our analysis.

Additionally, Amendments Y and Z require that new district plans comply with the federal Voting Rights Act. During the 2021 redistricting, no serious attempt was made to verify compliance, because the data required to conduct racially polarized voting analysis simply did not exist. In order to fully comply with Amendments Y and Z in future redistricting years, the collection and archiving of this data needs to start NOW.

Thank you for your consideration, and I strongly urge you to support this bill.

Sincerely,  
Dr. Jeanne Clelland

Thank you chair and members of the committee. My name is Lauren Smith and I am speaking on behalf of Soul 2 Soul Sisters in support of SB25-001, the Colorado Voting Rights Act.

Soul 2 Soul Sisters is a racial justice organization that centers Black Women, femmes and gender-expansive people here in Colorado. Every year, we run voter outreach and education programs for Black voters across the state - helping them make sure they have the tools they need to participate in upcoming elections.

We are committed to this work for a variety of reasons. We are not a true democracy if everyone cannot participate, and Black civil rights leaders, such as Fannie Lou Hamer and John Lewis, fought for everyone's right to be heard at the ballot box. One of the most significant moments of progress in this fight was the Voting Rights Act of 1965. However, in the 60 years since the passage of the VRA, there have been countless efforts to continually disenfranchise Black voters across the country and little progress at the federal level to shore up protections.

Here in Colorado, election experts and community advocates have worked hard to remove barriers to voting - instituting measures such as vote by mail, early voting days, and in-person voting in jails. Despite this work, we still see large racial voter turnout gaps in Colorado - for example, in the 2020 November election, there was a 20-point percentage turnout gap between white and non-white voters, which is worse than the national average. ([Census Bureau's Current Population Survey](#))

This data speaks to statewide elections - and in municipal elections where turnout is much lower across the board, these gaps are likely even wider, especially for off-cycle spring elections. This legislation will help us have stronger oversight and data collection practices - so we can have more tools to close turnout gaps, improve our elections at every level, and maintain the anti-discrimination standards established by the federal Voting Rights Act.

We're grateful for how this bill protects the vote for marginalized communities, including people at the intersections such as Black voters whose first language is not English and Black LGBTQ+ voters. With our current administration chipping away at our civil rights, it's up to states to take up the legacy of the VRA. We must be proactive and strengthen our ability to protect our community's vote - and this bill gives us the tools to do so. Soul 2 Soul Sisters asks you to please vote yes on SB25-001 today. Thank you.



Native American Rights Fund  
250 Arapahoe Ave.,  
Boulder, CO 80302  
303-447-8760 • (Fax) 303-443-7776

April 14, 2025

Representative Steve Woodrow  
Chair  
House State, Civic, Military, & Veterans Affairs Committee  
Colorado House of Representatives  
200 E Colfax Avenue  
Denver, CO 80203

Chair Woodrow, Vice Chair Boesenecker, and Members of the Committee:

On behalf of the Native American Rights Fund (“NARF”), I am writing to express strong support for SB 25-001, The Colorado Voting Rights Act (“COVRA”). COVRA will protect and strengthen the fundamental right to vote for all Coloradans, including Native American citizens, who continue to face systemic barriers to electoral participation.

Since its founding, NARF has advocated for the rights of tribes, tribal organizations, and Native American individuals, with a particular focus on ensuring equitable access to the ballot box. Despite progress, Native American voters in Colorado still encounter significant challenges. Many tribal communities are located in remote, isolated areas with limited access to voting facilities and postal services—obstacles that have led to widespread disenfranchisement.

COVRA addresses these issues head-on by expanding access to voting and safeguarding against discriminatory practices. Modeled after key provisions of the federal Voting Rights Act of 1965, COVRA prohibits election practices that dilute the voting strength of minority groups, including tribal communities. It requires that election methods and district maps be drawn fairly, ensuring that Native American voters have an equal opportunity to elect candidates of their choice.

Importantly, COVRA establishes a publicly available statewide election database. This tool will provide essential insights into participation rates by race, language, and disability status—without compromising individual voter privacy. Such transparency is crucial for identifying and remedying disparities in voter access.

History shows that when voting processes respect and respond to tribal needs, Native American voter turnout increases. For example, Colorado’s recent initiatives



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to establish voting centers on tribal lands and to accept voter registration addresses designated by tribal governments resulted in significantly higher participation rates. (See News Release, Secretary of State Jena Griswold Highlights Increase in 2020 Voter Turnout on Tribal Lands, Colo. Sec'y of State (Dec. 10, 2020).) COVRA builds on this success by ensuring that these positive changes become permanent protections.

We respectfully urge the committee to pass SB 25-001. In doing so, Colorado will reaffirm its commitment to a more inclusive democracy and empower tribal communities with the tools they need to fully participate in the electoral process.

Thank you for your consideration. Please do not hesitate to contact us with any questions or for further information.

Sincerely,

A handwritten signature in black ink that reads "Sapphire Carter". The signature is written in a cursive, flowing style.

Sapphire Carter  
Law Clerk



## Board of County Commissioners

Good afternoon Chair Willford and members of the State, Civic, Military, & Veterans Affairs Committee,

I write today on behalf of the Boulder County Commissioners to respectfully ask for your yes vote on SB-001, Colorado Voting Rights Act. I'd like to thank Representative Bacon and Representative Jospheh for their leadership in bringing forward this important legislation to maintain fair and accessible voting in Colorado. Boulder County constantly seeks ways to strengthen protections against discrimination and ensure fair representation.

As our nation approaches the 60<sup>th</sup> anniversary of the Voting Rights Act of 1965, Boulder County appreciates that Colorado has the opportunity and responsibility to ensure voting protections for all Coloradans. SB 001 comes at a time when there are efforts throughout our nation that attempt to restrict access to voting. Boulder County supports the Colorado Voting Rights Act as it ensures the rights of all eligible voters to fully participate in elections.

Boulder County Elections commit to facilitating accessible, inclusive, and welcoming elections for all voters. Boulder County's Know Your Voting Rights webpage reminds our residents that language assistance can be provided to help voters with ballot translation in multiple languages, that equipment and facilities will be provided for persons with disabilities, that gender presentation does not need to match the gender listed on the individual's identification, and that individuals experiencing homelessness or individuals without a permanent address can still be eligible to vote.

SB 001 will afford the same protections and more so that Colorado voters can fully access and participate in their local democracy.

In closing, I'd like to thank Representatives Bacon and Jospheh for bringing SB 001 forward, and again, on behalf of the Boulder County Commissioners, respectfully ask for your yes vote on this bill.

Regards,

Nick Robles, Policy Analyst, Boulder County Commissioners' Office

**Commissioner Claire Levy • Commissioner Marta Loachamin • Commissioner Ashley Stolzmann**

Boulder County Courthouse • 1325 Pearl Street • Boulder, Colorado 80302

Mailing Address: P.O. Box 471 • Boulder, CO 80306 • [www.BoulderCounty.gov](http://www.BoulderCounty.gov)

[Commissioners@bouldercounty.gov](mailto:Commissioners@bouldercounty.gov) • Telephone: 303.441.3500 • Fax: 303.441.4525

**House State, Civic, Military, & Veterans Affairs**

**04/14/2025 01:30 PM**

**SB25-001 Colorado Voting Rights Act**

**Typed Text of Testimony Submitted**

<b>Name, Position, Representing</b>	<b>Typed Text of Testimony</b>
<p>Silvia Entenza For New Era Colorado</p>	<p>Hello, and thank you for the opportunity to write to you today. My name is Silvia Entenza, and I am the Southern Regional Lead Organizer for New Era Colorado. I discuss this topic on behalf of our nonprofit nonpartisan organization, where we have built a presence in Colorado politics by focusing on voter registration. I am here today to ask you all to support SB25-001, the Colorado Voting Rights Act.</p> <p>As a voter registration organization that has been doing this work for over 16 years and has registered over 200,000 people across the state, we first-hand understand the need for these protections. Colorado’s election system is often considered the gold standard, with mail voting, early voting, and automatic voter registration. And just this past November, the campus I graduated from, Colorado College, got its first Voter Service Polling Center. Other states are looking to us as leaders in voter rights. But the work is not done —we need to keep expanding and protecting the voting rights of Coloradans, making sure the process is accessible to everyone.</p> <p>And to repeat the words of Marybeth Gasman, a historian at Rutgers University– The Voting Rights Act made it clear: We are a country of immense diversity, and that is a plus . . . Multilingual ballots mean more people voting.</p> <p>COVRA will ensure that thousands of eligible voters can participate in their local elections without language barriers. Over 16 percent of Colorado voters speak Spanish, and one-third of these voters do not understand English well enough to understand their ballot and vote independently. While many counties offer multilingual ballots, most municipalities do not. This means that these voters need to secure their own outside translation assistance – a process that is not just a minor inconvenience but a direct barrier to their right to vote, and it oftentimes discourages voting in municipal elections.</p> <p>We are urging you to pass SB25-001 so that our state can safeguard voting rights regardless of what happens at the federal level and ensure we provide an inclusive democracy and that communities are fairly represented in elections.</p> <p>Thank you for your time.</p>
<p>Naomi Amaha</p>	<p>SB25-001 Voting Right Act</p>

<p>For The Denver Foundation</p>	<p>Good Evening, Chair Willford and members of the committee. Thank you for the opportunity to testify in support of Senate Bill 1.</p> <p>My name is Naomi Amaha, and I am the policy and government affairs director at The Denver Foundation. The Denver Foundation is a community foundation that is proud to have connected and collaborated over the past 100 years to address our community's current and future challenges.</p> <p>We have done this by funding nonprofit organizations for their work engaging the community in the Census and redistricting process. Since we established the foundation's approach to policy engagement and our Civic Fabric Fund three years ago, we have acted on our commitment to investing in tools to support democracy in action.</p> <p>For the last three years, we have provided grants from the Civic Fabric Fund focused on bolstering nonprofits' ability to reach and mobilize new and low-turnout voters from historically underrepresented communities. Many of the organizations we have funded are leading or supporting the work to develop a Colorado Voting Rights Act.</p> <p>I am here this evening because we agree with our partners that now is the time for Colorado to build on its current statewide policies and practices to continue protecting voting access for Coloradans.</p> <p>We recognize that organizations are working to address the concerns raised by stakeholders, and we support these continued conversations so we, as a state, can meet this moment to ensure Colorado has a policy that can build on the principles of the Voting Rights Act of 1965 and further equitable access to democracy.</p> <p>Thank you for your time and consideration. Please vote yes on SB-1</p>
<p>Heidi Hess For herself</p>	<p>Thank you members of the committee. I am Heidi Jeanne Hess, the Western Slope organizer for One Colorado.</p> <p>Voting rights are under attack federally, and we can clearly no longer rely on the Voting Rights Act of 1965. As a queer Coloradan with a hispanic, non-binary, disabled partner, my family's voting rights are in jeopardy and in spite of all the strides Colorado has made to making voting accessible, we still have one of the largest racial turnout gaps in the nation. This bill will help build a more equitable democracy that will ensure all community members have a fair and equal opportunity to have their voices heard through voting.</p>

	<p>Please act now to protect and ensure my family's continued right to vote by voting yes on the Colorado Voting Rights Act.</p>
<p>Ingrid Moore For themselves</p>	<p>Dear Committee,</p> <p>I am respectfully asking that you vote YES to approve SB25-001, being heard by you today.</p> <p>This bill is especially important now, given the restrictions on voting access being pushed through the U.S. Congress and the recent presidential executive order.</p> <p>Colorado is a leader in voter engagement and free and fair elections. Let's keep us that way.</p> <p>Please vote YES.</p> <p>Thank you!</p>



April 14, 2025

To the members of the House State, Civic, Military, and Veterans Affairs Committee,

My name is Blair Bacon, and I represent Colorado Latino Leadership, Advocacy, and Research Organization, or CLLARO. I'm testifying to urge the committee to support the Colorado Voting Rights Act. CLLARO works to empower Colorado Latinos politically, socially, and economically through leadership, advocacy, and research programs. We do this partially by offering nonpartisan voter education and working to ensure accurate representation through the U.S. Census. Despite being known to have "gold standard" statewide election administration, we know there are too many barriers to civic participation for many Colorado Latinos, and a significant racial turnout gap.<sup>1</sup> We must do everything possible to ensure Latinos and marginalized groups have equal voting access.

Too many in marginalized communities either do not understand the power they hold in being able to vote, or do not think it will make a difference. While canvassing to get out the vote last year, I encountered a young Latina who told me that she had thrown her ballot out. When I asked why, she explained that her family has never voted because they don't see the point. While spending time with a community group of older Latinas, in response to offering voter guides and advocacy information, one asked, "What is the point? I'm just one person." Some do not see the value of voting or advocacy. There seems to be a significant sense of hopelessness, like nothing changes anyway.

On top of being disenfranchised or disengaged, ballot language is difficult for many to understand even in one's primary language. If a voter speaks English less than very well, like 31% of Spanish speaking voters<sup>2</sup>, and must fill out a ballot in English, the process is then made even more complicated.

What message does it send to those who are already disengaged and disenfranchised to not pass the Colorado Voting Rights Act? To not receive a ballot in their primary language? To not

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<sup>1</sup> U.S. Census Bureau. 2020. "Current Population Survey." Retrieved April 10, 2025. (<https://coloradonewslines.com/2022/09/15/colorado-racial-voter-turnout-gap/>)

<sup>2</sup> U.S. Census Bureau. 2017. "American Community Survey." Retrieved April 10, 2025. (<https://www.cpr.org/2022/10/18/colorado-rolls-out-new-language-assistance-hotline-to-help-non-english-speaking-voters/>).



have redress for discrimination in voting systems where people of color are systemically disadvantaged from having an equal voice, such as unfair district maps that split up communities?

In the current climate where voting rights are under attack federally, and the SAVE Act would add even more barriers, it is more important than ever that Colorado proactively protect these rights and ensure we have the necessary tools to understand and address disparities across the state. Please vote “yes” on SB-001: Colorado Voting Rights Act.



# INTERFAITH ALLIANCE

OF COLORADO

ACHIEVING DEMOCRACY TOGETHER

April 14, 2025

RE: Support for SB25-001 Colorado Voting Rights Act

Chairperson Willford and members of the House State, Civic, Military, & Veterans Affairs Committee,

I write on behalf of the Interfaith Alliance of Colorado to share our strong support of SB25-001 Colorado Voting Rights Act. The Interfaith Alliance of Colorado promotes justice, religious liberty, and interfaith understanding through building relationships in order to educate, advocate, and catalyze social change. We are an interfaith public policy and advocacy organization with over 400 congregations in our statewide network, representing over two dozen faith traditions.

Faith for democracy is a foundational pillar of our work. Promoting civic engagement, protecting voting rights, and confronting threats to our democracy – in particular those represented by religious extremism – are necessary to secure religious freedom. Religious freedom and democracy are interconnected, and neither can truly exist without the other. Our rights to participate in that system, including through voting, are necessary to a flourishing democracy. In a flourishing democracy, different ideas and beliefs are considered and respected. Different faiths, traditions, and practices coexist and enrich our communities, fostering mutual understanding and respect.

Our nation's history reflects the promise of securing political equality through voting, along with, unfortunately, efforts to undermine it. It is happening today; it threatens our democracy, and thereby our ability to secure our rights and live by our most cherished values. At a time when religious extremists are mounting a campaign against church and state separation that threatens religious freedom and our democratic values, and action is being taken to restrict and discourage voter participation, it is absolutely vital that we take action to implement COVRA and protect the rights of Coloradans.

Therefore, we respectfully ask that you support SB25-001 and vote Yes to advance it from the committee with your favorable recommendation.

Thank you for your consideration,

Shara Smith, Chief Executive Officer  
Interfaith Alliance of Colorado



Colorado House of Representatives  
State, Civic, Military, & Veterans Affairs Committee

April 14, 2025

Re: SB25-001 Written Testimony of Robert Sheesley, General Counsel

Members of the Committee:

I write to provide the Colorado Municipal League's concerns regarding certain legal aspects of Section 5 of SB25-001, creating the "Colorado Voting Rights Act." References are to the reengrossed bill. I urge the Committee to amend the bill to address these matters.

1) **SB25-001's remedies will conflict with Article XX, Section 6 of the Colorado Constitution, which provides that municipal elections are local matters.**

SB25-001 permits claims that would challenge the use of "at-large" or "multi-member" districts and the conduct of regular elections in the spring. The bill would allow a court ignore provisions of law to implement remedies that modify these practices for a particular jurisdiction (p.21, l.26-p. 22, l.2). In practice, however, a court cannot ignore the Colorado Constitution and the bill does not justify any intended preemption.

Since 1912, Article XX, Section 6 of the Colorado Constitution has expressly included two key provisions that prevent the General Assembly from overriding local control of home rule municipal elections and governance systems. In providing "the full right of self-government in both local and municipal matters," the constitution grants home rule municipalities "*all . . . powers necessary, requisite or proper for the government and administration of its local and municipal matters, including power to legislate upon, provide, regulate, conduct and control:*

- a. *The creation and terms of municipal officers, agencies and employments; the definition, regulation and alteration of the powers, duties, qualifications and terms or tenure of all municipal officers, agents and employees;*

\*\*\*

- d. *All matters pertaining to municipal elections in such city or town, and to electoral votes therein on measures submitted under the charter or ordinances thereof, including the calling or notice and the date of such election or vote, the registration of voters, nominations, nomination and election systems, judges and clerks of election, the form of ballots, balloting, challenging, canvassing, certifying the result, securing the purity of*

elections, guarding against abuses of the elective franchise, and tending to make such elections or electoral votes non-partisan in character;

Colo. Const. art. XX, § 6.<sup>i</sup> The list of what may considered “all matters pertaining to municipal elections” is illustrative and not a limitation on home rule authority. *Hoper v. City and County of Denver*, 479 P.2d 967, 970 (Colo. 1971)

The central premise for state intervention in SB25-001 was directly rejected by Colorado voters when they adopted Article XX, Section 6 113 years ago. In 1912, the Colorado Supreme Court held that Article XX did not affect the power of the state to regulate elections and that state protection was necessary to ensure the rights of electors to vote and to have their votes counted.<sup>ii</sup> Voters rejected that view and it has not been the constitutional interpretation of home rule authority for 113 years.

Since 1913, Colorado courts and the Attorney General have agreed that municipal elections are local and municipal matters subject to the municipality’s plenary control. “**Whatever may have been the law or the status of municipal elections before the amendment, their status now, by the adoption of that amendment, is fixed by legislative declaration of the people as local and municipal matters.**” *People ex rel. Tate v. Prevost*, 134 P. 129, 134 (Colo. 1913).

- ***Hoper v. City & County of Denver***, 479 P.2d 967, 969-70 (Colo. 1971) (charter can provide for partisan or nonpartisan municipal elections)
- ***Gosliner v. Denver Election Commission***, 552 P.2d 1010, 1011 (Colo. 1976) (“the legislature cannot divest a home rule city of its plenary power to deal with municipal elections”)
- ***Englewood Police Benevolent Association v. City of Englewood***, 811 P.2d 464, 465 (Colo. App. 1990) (charter can permit a special election on the same day as a general election), cert. denied
- ***May v. Town of Mountain Village***, 969 P.2d 790, 794 (Colo. App. 1998) (voter qualifications are a local and municipal matter, including permitting non-residents to vote), cert. denied
- ***Bruce v. City of Colorado Springs***, 252 P.3d 30, 33 (Colo. App. 2010) (home rule city could impose single subject rule on initiated laws), cert. denied
- ***In re City of Colorado Springs***, 277 P.3d 937, 939-441 (Colo. App. 2012) (Art. XXVIII and Fair Campaign Practices Act did not apply to home rule city’s elections where city had adopted local campaign finance laws)
- Colorado Attorney General, Formal Opinion No. 03-01 (Jan. 13, 2003) (detailing the history of Art. XX, § 6 and confirming that Art. XXVIII did not modify home rule authority regarding campaign finance).

Similarly, courts recognize that Article XX, Section 6 grants “citizens of home rule municipalities the right to name their own officers and determine how those officers should be selected, their qualifications, and their tenure.” See *Fraternal Order of Police, Colorado Lodge No. 27 v. City and County of Denver*, 926 P.2d 582, 587 (Colo. 1996).

Home rule municipalities have a substantial interest in controlling their governance structure and elections. In contrast, the State has no plausible interest, let alone a substantial or pervading interest, in “voter turnout” or preventing “discrimination in voting” (p.6, l.13-21). No court has found that voting practices or governance systems of a Colorado municipality (or county) violated the Federal Voting Rights Act. The record lacks demonstrated evidence of systemic barriers or widespread voter suppression.

Concepts of “uniformity” and “extraterritoriality” cannot support State preemption through SB25-001. Municipal officials govern municipal matters, not state matters. They are elected by individuals within the municipality, not elsewhere in the state. SB25-001 cannot claim uniformity, as it: 1) does not apply uniformly to all elections by excluding the state and other forms of local government; and 2) does not create, and likely undermines, a uniform system.

While Article XX is clear enough, other provisions of the Colorado Constitution do not support the apparent preemption. Constitutional provisions in conflict or inconsistent with Article XX are inapplicable to home rule municipalities. Colo. Const. art. XX, § 8. The 1912 home rule amendments overrode the General Assembly’s purview through Article 7, Section 11 (“The General Assembly shall pass laws to secure the purity of elections, and guard against abuses of the elective franchise.”) by vesting that same power in home rule governments for municipal elections. SB25-001 also attempts to rely on Article II, Section 5, which requires that “elections shall be free and open” (p.6, l.6-12), but that provision vests no authority in the General Assembly and there is no plausible basis to suggest that Colorado’s home rule elections are anything but free and open.

A court may find that it cannot impose any remedy through SB25-001 that would interfere with the rights of home rule municipalities to govern elections or determine their governance systems. Otherwise, the court would run afoul of established precedent and deny residents of home rule municipalities the full exercise of their constitutional rights. SB25-001 should expressly recognize this legal status and exclude home rule municipalities.

**2) SB25-001 improperly delegates legislative functions and political questions regarding local governments to the judicial branch.**

Section 5 of SB25-001 works by permitting courts to directly rewrite both home rule charters and state legislation as they pertain to a specific municipality. The bill would allow a court to ignore provisions of law to implement remedies that modify these practices for a particular jurisdiction (p.21, l.26-p. 22, l.2). Bypassing voters and the General Assembly is a dangerous delegation of legislative authority to another branch of government. The practice also threatens to involve the judiciary in political questions best resolved by the elected legislature or by the people themselves.

For statutory municipalities, the timing and methods of election are set by the General Assembly with some opportunity for local, voter-approved variation. For example:

- State law establishes whether single-member or multi-member districts are used.<sup>iii</sup> Statutory cities must be divided into wards. When a town is incorporated, the town may be divided into wards for purposes of selecting trustees but is otherwise at-large. Most towns would be small enough, especially at the time of incorporation, that division into

wards wouldn't make sense and most statutory towns elect trustees by ward, including the largest.

- State law requires that statutory towns hold regular elections on the first Tuesday in April of even-numbered years, unless voters approve changing the date.<sup>iv</sup>

Under SB25-001, a court could determine that these state-imposed structures are invalid and order the municipality to move its election or establish districts for elections. This delegation of legislative authority may violate the separation of powers doctrine of Article 3 of the Colorado Constitution.<sup>v</sup>

For home rule municipalities, the Colorado Constitution vests the power to amend a charter in the voters.<sup>vi</sup> The charters of at least 80 home rule municipalities use some form of “at-large” election method. The charters of over 40 home rule municipalities establish requirements for conducting regular elections at times other than the State’s general election. These include the largest two home rule municipalities. A court remedy under SB25-001 that modifies either subject matter would effectively rewrite a charter to provide a new substantive standard without voter approval. This is compounded by the bill’s mandate that courts not defer to or prioritize a remedy proposed by the local government (p.21, l.19-20).

**3) SB25-001 concept of “vote dilution” and “vote suppression” is vastly broader and substantially easier to claim than the Federal Voting Rights Act. This will lead to unfair and unreasonable outcomes.**

SB25-001 goes far beyond the Federal Voting Rights Act and undermines the ability to present a meaningful defense of a claim under SB25-001. The bill discards the framework established in the Federal Voting Rights Act and controlling U.S. Supreme Court precedent. More should be required to find invidious discrimination in a democratically established system of government and elections.

Under Federal law, a vote dilution plaintiff must prove four elements to establish discriminatory effect of voting methods:

1. the racial or language minority group "sufficiently large and geographically compact to constitute a majority in a single-member district";
2. the minority group is "politically cohesive";
3. the “majority votes sufficiently as a bloc to enable it ... usually to defeat the minority's preferred candidate”; and
4. the “totality of the circumstances” shows that the “political processes leading to nomination or election . . . are not equally open to participation” by the protected class, meaning that the protected class “have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.”

SB25-001 presumes that unlawful discrimination exists with much less proof by removing elements and splitting elements into discrete claims. Vote dilution, under SB25-001, is when a method of election intentionally or effectively “disparately” impairs “the opportunity of members

of a protected class to elect candidates of their choice or otherwise influence the outcome of elections as a result of diluting the vote of members of that protected class” (p.10, l.6-12). A plaintiff can establish vote dilution under SB25-001 by showing disparate impairment of opportunities to nominate or elect candidates of their choice either:

1. because elections exhibit “polarized voting”; or
2. because of the “totality of the circumstances” and another method exists that would mitigate the impairment (p.10, l.13-26).

Missing from these elements are requirements of geographic compactness, political cohesion, and bloc voting. Further, the evidentiary standards for these claims have been modified from Federal standards. Ultimately, this may result in a mandate of proportional representation, contrary to the Federal law’s express statement that it does not create a “right to have members of a protected class elected in numbers equal to their proportion in the population.”<sup>vii</sup>

Considering a “polarized voting” claim, SB25-001 allows the aggregation of electoral preferences of multiple protected classes (p. 18, l.3-8). The bill also prohibits considering *why* polarized voting occurs, including partisan reasons (p. 18, l. 9-11), and simply presumes the existence of discrimination from a “divergence” in electoral choices of a protected class and other electors (p.8, l.13-17). There doesn’t appear to be any requirement that the “disparate” impairment be material (as with vote suppression claims); the divergence must simply exist.

SB25-001 also inhibits a meaningful review of the totality of the circumstances by enhances considerations from which a court can derive a finding of discrimination and minimizing what a local government can use in defense. For example, SB25-001 allows a court to consider “the history of discrimination affecting members of the protected class,” but the similar Federal consideration focuses on official discrimination affecting the right to vote. SB25-001 also adds considerations like disparities in political contributions by members of a protected class and financial support. In other words, factors entirely outside of a local government’s control could result in it being found to have implemented discriminatory voting systems.

In conclusion, Section 5 of SB25-001 attempts to interfere with and undermine the structures and elections of Colorado’s municipalities without reasonable justification. This creates a potential and unnecessary conflict with the Colorado Constitution. Despite proof of system or pervasive problems in municipal elections, the bill creates an unfair system in which courts and private litigants can rewrite state law and home rule charters on the barest of proof. The bill should be amended to resolve these problems.

Sincerely,



Robert Sheesley  
General Counsel

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<sup>i</sup> See also Colo. Const. art. XX, § 2 (providing that manner of appointment or election, jurisdiction, term of office, duties, and qualifications officers of the City and County of Denver shall be as provided for by charter); Colo. Const. art. XX, § 11 (similar, regarding the City and County of Broomfield).

<sup>ii</sup> *Mauff v. People ex rel. Clay*, 123 P. 101 (Colo. 1912).

<sup>iii</sup> See C.R.S. § 31-2-104(1).

<sup>iv</sup> C.R.S. § 31-1-101(10)(a) (defining “regular election” for towns); C.R.S. § 31-10-109 (authorizing moving regular election dates to November of even- or odd-numbered years).

<sup>v</sup> “[N]o person or collection of persons charged with the exercise of powers properly belonging to one of these departments shall exercise any power properly belonging to either of the others, except as in this constitution expressly directed or permitted.”

<sup>vi</sup> Colo. Const. art. XX, § 5 (regarding the City and County of Denver); Colo. Const. art. XX, § 9(1) (similar for all other home rule municipalities); Colo. Const. art. XX, § 9(2) (“No municipal home rule charter, amendment thereto, or repeal thereof, shall become effective until approved by a majority of the registered electors of such city and county, city, or town voting thereon.”)

<sup>vii</sup> 52 U.S.C. § 10301(b).

Good afternoon Madame Chair, Members of the committee, my name is Dr. Thomas Mayes a native of Colorado, an ordained Pastor of Water Christian Center (45years), a US certified Human Rights Consultant, 1<sup>st</sup> Vice president of the Aurora & CO/MT/WY NAACP, Founder/CEO of E.S.C.A.P.E. (Everyone Sharing Child Abuse Prevention Education) representing The Interfaith Alliance of Colorado. Thank you so much for allowing me to share some words in overwhelming support of SB25-001 Colorado Voting Rights Act.

Voting is the pinnacle of our democratic values. It promises that each person is allowed a say in some way on the shaping of our society. As a person of faith, in particular one that is not that of the dominant social structure, I think it is important to highlight that protecting the right to vote extends far beyond this one right. Democracy is how we protect true religious freedom. By upholding our democratic principles in our democratic republic, we are protecting the right of every person to practice their own faith or not practice one at all.

I have far more years behind me than I have in front of me & therefore share my feelings with my 4 children & 8 grandchildren's future on my conscience. I borrow from Richard Hasen's thoughts which reflect my innermost feelings. He shared, drawing on troubling stories of state attempts to disenfranchise military voters, women, African Americans, students, former felons, Native Americans, and others, I argue that American democracy can and should do better in assuring that all eligible voters can cast a meaningful vote that will be fairly counted.

Religious freedom cannot & will not exist without democracy & democracy cannot & will not exist without Religious freedom. It is through the democratic process and the rights secured by the Constitution that we are able to live and thrive in a pluralistic society. A democratic system protects individual rights, promotes pluralism and allows everybody, regardless of their faith, to practice their religion without fear of government interference.

Securing our right to vote can deescalate voting wars between political parties that lead to endless rounds of litigation and undermine voter confidence in elections, and can safeguard democracy against dangerous attempts at election subversion like the one we witnessed in the aftermath of the 2020 presidential election.

Upholding and strengthening our right to vote is the first step in ensuring a secure democratic republic and all of the other freedoms that extend from this. It is with that in mind that I ask for a yes vote. Thank you for your time.

Sincerely,

Dr. Thomas Mayes

**To: House State, Civic, Military, & Veterans Affairs Committee**  
**From: Kate Greuel, Spring Institute for Intercultural Learning**  
**Date: April 14, 2025**  
**Re: Support for SB25-001 - Colorado Voting Rights Act**

Dear Madam Chair and Members of the Committee,

My name is Kate Greuel and I am a Policy Advocate with Spring Institute for Intercultural Learning. Spring Institute is a Denver-based nonprofit that, since 1979, has fostered intercultural community through learning, language access, and advocacy.

To vote freely, fairly, and without fear is to experience one of the great features – and joys – of a strong democracy. We in Colorado know this. As the second state in the country to grant women the right to vote,<sup>1</sup> and one of the first to adopt universal mail-in ballot access,<sup>2</sup> Colorado has a long history of protecting and strengthening civic engagement.

Colorado also has a proven commitment to welcoming immigrants and refugees, some of whom Spring Institute works with across our various programs. These people come to Colorado seeking safety and other opportunities associated with U.S. citizenship – including voting rights – that do not exist in many anti-democratic countries.

The Colorado Voting Rights Act – or COVRA – will continue the work of welcoming, and of ensuring free and fair elections. It will shield Colorado from potential harmful changes to the federal Voting Rights Act, and protect and increase ballot access for all Colorado voters.

Spring Institute is particularly heartened by this bill's expansion of multilingual ballot access. Nearly 500,000 voting-age citizens in Colorado speak a language other than English at home.<sup>3</sup> About 125,000 of these Colorado citizens speak English less than very well, meaning that they would struggle to complete a ballot in English. Building on progress enacted by HB21-1011, COVRA will extend critical multilingual ballot provisions already in place for counties to qualifying municipalities, making those elections more inclusive and further strengthening our democracy.

We ask for a yes vote on this bill.

Sincerely,

Kate Greuel  
Policy Advocate, Spring Institute for Intercultural Learning  
[kgreuel@springinstitute.org](mailto:kgreuel@springinstitute.org) / [outreach@springinstitute.org](mailto:outreach@springinstitute.org)

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<sup>1</sup> [Center for American Women & Politics](#)

<sup>2</sup> [National Conference of State Legislatures, 2024](#)

<sup>3</sup> [Census Bureau ACS 2023 5-Year Estimates](#)



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April 14, 2025

Colorado House State, Civic, Military, & Veterans Affairs Committee  
Colorado State Capitol  
200 E Colfax Ave, Room 112  
Denver, CO 80203

Subject: Written Testimony in Support of SB25-001 – **Colorado Voting Rights Act**

Dear Chair Willford, Vice Chair Clifford, and Members of the House State, Civic, Military, & Veterans Affairs Committee

I am writing on behalf of the Colorado Foundation for Universal Health Care, a 501(c)(3) organization committed to providing health care for all Coloradans. Support for democratic institutions is crucial to our mission. This legislation is a critical step to ensure equal access to the democratic process for our diverse population at a time when our democracy is under threat.

H25-001 is a response to the challenges faced by historically marginalized communities, including voters of color, disabled voters, and low-income voters by protecting against voter intimidation, disenfranchisement, and discrimination as well as improving access to the ballot box by expanding early voting opportunities, enhancing voter registration processes, and providing support and resources to participate fully.

While ensuring greater access to voting, SB25-001 does so while maintaining strong protections for election integrity. It includes provisions that strengthen transparency, safeguard against fraud, and ensure that the election process remains free from manipulation.. By passing this bill, the Colorado legislature would reaffirm the state's commitment to protecting voting rights, promoting equality, and strengthening democracy. I urge the members of the Committee to support this bill and take action to protect and expand voting rights for all Coloradans.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink that reads "James R. Potter". The signature is written in a cursive, flowing style.

James R. Potter, Board Member

Date: April 14, 2025

RE: SB-001 Colorado Voting Rights Act

Sponsors, Sen Gonzales, Rep Bacon

Name: Jody Nickerson representing myself

Position: Against

This bill has no support that there have been any issues in our present Colorado election system. It's like you are putting the cart before the horse and causing chaos when there is not any. I have found no legal complaints or cases that this bill would benefit.

Are you saying our election systems are not working for ethnic groups? Or access capabilities for the minority? We already have wonderful locations for the homeless even.

This bill is also putting an additional burden on a budget we are so much in the hole already for that you've been underestimating the cost for the legal challenges that will definitely be occurring, but you only mention at State level and are not considering the impact on local municipalities. You state even in the bill this will increase costs to the municipality in having to be compliant and that they are not reimbursable. So have you spoken to the counties or municipalities about how this impact will affect their budgets?

The fact that this should be a bipartisan concern yet is not presented this way makes me think what is the sole purpose of this bill?

I am a judge on elections and assist in nursing homes and rehabilitation facilities where access to voting is quite organized and encouraged. Now if you are speaking specifically of Native American locations, do you not feel they are being compliant and should that not be an issue for those municipalities?

Speaking of voter ID requirements is a bipartisan issue and I thought it was being adhered to except the chaos that the immigration was not vetted properly and caused a great concern for all.

I feel this bill is unnecessary unless there is an underlying issue that was not addressed or clear in this bill.

Please vote no on this bill