

The 2005 Colorado Legislative Session

*A Scorecard
For Civil
Liberties*



Colorado House Of Representatives 2005

Representative	District	Party	HB 1014	HB 1041	HB 1042	HB 1086	HB 1141	HB 1194	SB 028	SB 085	SB 100	SB 131	SB 206	SB 235	SJR 044	2005 Score (%)
Balmer, David G	39	R	●	●	●	●	○	○	○	○	○	○	○	○	○	38.5%
Benefield, Debbie	28	D	●	●	●	●	○	○	○	○	○	○	○	○	○	69.2%
Benens, Bill	33	R	○	○	○	○	○	○	○	○	○	○	○	○	○	69.2%
Borodkin, Alice	9	D	●	●	●	●	○	○	○	○	○	○	○	○	○	84.6%
Boyd, Betty	26	D	●	●	●	●	○	○	○	○	○	○	○	○	○	38.5%
Brohy, Greg	63	R	○	○	○	○	○	○	○	○	○	○	○	○	○	83.3%
Buescher, Bernie	55	D	●	●	●	●	E	○	○	○	○	○	○	○	○	83.3%
Butcher, Dorothy B	46	D	○	○	○	○	○	○	○	○	○	○	○	○	○	38.5%
Cadman, Bill	15	R	○	○	○	○	○	○	○	○	○	○	○	○	○	84.6%
Carroll, Morgan	36	D	●	●	●	●	○	○	○	○	○	○	○	○	○	92.3%
Carroll, Terrance	7	D	●	●	●	●	○	○	○	○	○	○	○	○	○	84.6%
Cerbo, Mike	2	D	●	●	●	●	○	○	○	○	○	○	○	○	○	38.5%
Clapp, Lauri	37	R	○	○	○	○	○	○	○	○	○	○	○	○	○	46.2%
Cloor, Mark	17	R	○	○	○	○	○	○	○	○	○	○	○	○	○	76.9%
Coleman, Fran	1	D	●	●	●	●	○	○	○	○	○	○	○	○	○	46.2%
Crane, Bill	27	R	○	○	○	○	○	○	○	○	○	○	○	○	○	84.6%
Curry, Kathleen	61	D	●	●	●	●	○	○	○	○	○	○	○	○	○	46.2%
Decker, Richard D	19	R	○	○	○	○	○	○	○	○	○	○	○	○	○	76.9%
Drangas, K. Jerry	4	D	●	●	●	●	○	○	○	○	○	○	○	○	○	91.7%
Gallegos, Rafael Lorenzo	62	D	●	●	●	●	E	○	○	○	○	○	○	○	○	76.9%
Garcia, Michael	42	D	●	●	●	●	○	○	○	○	○	○	○	○	○	84.6%
Green, Gwyn	23	D	●	●	●	●	○	○	○	○	○	○	○	○	○	53.8%
Hall, Dale	48	R	○	○	○	○	○	○	○	○	○	○	○	○	○	30.8%
Harvey, Ted	43	R	○	○	○	○	○	○	○	○	○	○	○	○	○	38.5%
Hetley, Lynn Christian	20	R	○	○	○	○	○	○	○	○	○	○	○	○	○	84.6%
Hodge, Mary	30	D	●	●	●	●	○	○	○	○	○	○	○	○	○	53.8%
Hoppe, Diane	65	R	○	○	○	○	○	○	○	○	○	○	○	○	○	84.6%
Jahn, Cheri	24	D	●	●	●	●	○	○	○	○	○	○	○	○	○	84.6%
Judd, Joel	5	D	●	●	●	●	○	○	○	○	○	○	○	○	○	53.8%
Kerr, James F. "Jim"	28	R	○	○	○	○	○	○	○	○	○	○	○	○	○	30.8%
King, Keith	21	R	○	○	○	○	○	○	○	○	○	○	○	○	○	46.2%
Knoedler, Matt	22	R	○	○	○	○	○	○	○	○	○	○	○	○	○	69.2%
Larson, Mark	59	R	●	●	●	●	○	○	○	○	○	○	○	○	○	

In this Civil Liberties Scorecard, the **ACLU of Colorado** compiled a list of state legislation dealing with issues of interest during the 2005 session, including the voting records of legislators on selected bills. We hope this document will be a beneficial resource for the public.

For this Scorecard we have chosen 30 bills, providing a brief summary of the relevant provisions in each one. Fourteen¹ of these bills got floor votes in both the **Colorado House and Senate**, allowing us to create a scorecard showing how each legislator voted and whether that vote agreed with the position of the ACLU. A vote that is considered to be in agreement with the preservation of civil liberties is marked with a ●, while a vote in opposition to civil liberties is marked with a ○. The letter "E" means a legislator was excused from a vote. The letter "A" means one who was absent during the vote. Each elected official has also been given a score (%) with regard to how consistently he or she voted for the protection of civil liberties during this session.

In order to access even more legislation monitored by the Colorado ACLU, or to find out how to get involved in preserving our civil liberties, please visit our website at <http://www.aclu-co.org> or call us at 303-777-5482.

¹ One of these bills, HJR 1015, passed through the House without the voice vote being officially recorded.

What to Watch For

The **Real ID** Act passed by the US Congress requires all states to use a uniform ID card/drivers license, thereby creating a National ID. This **National ID** system is predicted to be very costly, with states bearing the entire responsibility for funding it. The Act also requires each state to assemble a database in which the personal information of every ID holder will be stored. The databases will then be networked so that the information is accessible nationwide by all levels of government. Moreover, third parties, such as merchants who require an ID when you buy something, can access the database information. These merchants can then accumulate the data and sell it to others. Further, it categorizes all non-citizens into different classes, and tightens regulations regarding asylum seekers and immigrants. The legislatures of each state, including Colorado's, must implement the **Real ID** Act.

On the election process front, many counties in Colorado are deciding on the use of **vote centers** instead of the usual precinct polling places. There will be fewer voting locations, with each one able to service an increased number of voters. However, there are currently no statewide standards for the placement of the centers, leaving each county with the responsibility for establishing its own placement criteria. The ACLU of Colorado is concerned that the voting centers will reduce access for disabled, elderly, low income, and other voters who may be less mobile. We strongly suggest that you contact your county clerk and inquire about this new system.

Coloradans can also expect to see legislation revolving around **LGBT** (Lesbian, Gay, Bisexual and Transgender) issues, including a ban on gay marriage and civil unions. In addition, it is likely that there will be more legislation on the issues of immigration and school vouchers.



2005 Colorado Legislative Session

During the 2005 legislative session there were many bills that expanded civil liberties, others that were meant to deny civil rights and still others in which restricting freedoms was an unintended consequence. The ACLU of Colorado was active in the 2005 state legislature. We provided research and testimony through staff, volunteers and our contract lobbyist. We had a number of victories, along with a few defeats.

We were disappointed that some bills that the ACLU of Colorado fought for did pass both chambers of the Colorado General Assembly, only to be vetoed by Governor Owens. The Governor used his veto more during the 2005 session than he ever had in previous years.

Victories

We are pleased with all of our victories, but perhaps we are proudest of a resolution passed in both chambers of the Colorado legislature, urging the U.S. Congress to amend the USA PATRIOT Act. The bi-partisan vote favoring the resolution was very satisfying since it acknowledged that varied political philosophies recognized flaws in the Act. Colorado became the seventh state to pass such a resolution, joining other Western states such as Montana and Utah, as well as more than 300 cities and towns across the nation.

Some of the ACLU of Colorado's victories were in defeating certain anti-civil rights bills in the 2005 legislative session. Instead of a proposing another school voucher program, some legislators tried to pass a property tax credit for parents paying private school tuition, including religious schools. At least two bills would have denied all but emergency state and local and federally mandated services to undocumented immigrants.

There were bills to deny marriage and its attendant rights to LGBT persons. Several bills in the 2005 Colorado legislative session sought to restrict a woman's reproductive rights.

The ACLU of Colorado supported the bill to reform the TABOR (Taxpayer's Bill of Rights) process and refer it to voters this fall. The 2005 state legislature crafted a reform that will allow the State to keep and spend more of the tax monies it collects, thereby restoring some of the deeply cut services without increasing the tax rate.

Defeats

A bill was introduced that would have granted eligibility for in-state college tuition to any student who attended a Colorado school for at least three years, and graduated or got a GED, regardless of immigrant status. The ACLU of Colorado had provided research and suggested language to protect these students. We were disappointed by its defeat.

Vetoed

The 2005 Colorado legislature passed a bill that recognized the discrimination LGBT persons face in the workplace. The bill added sexual orientation to the groups protected by Colorado's employment non-discrimination statute. Governor Owens vetoed the bill.

Also vetoed was a bill that required all public hospitals to give rape survivors, treated in an emergency room, information about using emergency contraception (EC) to prevent a pregnancy from that rape. Hospital personnel objecting to EC could be exempted so long as the hospital provided someone else to give the patient the EC information. This was the fourth year this bill was introduced and the first time it passed both chambers. Governor Owens vetoed the bill. The legislature attempted to override the veto and let the bill become law, but some of the bill's supporters would not vote to override the Governor's veto.

Key Terms

Actively Support: ACLU actively lobbied or testified for the passage of the bill.

Support: ACLU supported the bill but did not testify on it.

Actively Oppose: ACLU actively lobbied or testified in order to prevent a bill's passage.

Monitor: The bill didn't have a positive or a negative input on civil liberties but there was a potential for that to occur.

Postponed Indefinitely: The bill was killed in committee, before going to a legislative floor vote.

Note: If the current status shows action by the governor, it means that the bill passed both houses of the Colorado legislature.

Reproductive Rights

▼ *There are more than three million unintended pregnancies each year. Increased availability of contraception would prevent hundreds of thousands of these pregnancies and abortions (www.plannedparenthood.org).*

▼ *24% of Colorado women and 6% of Colorado men have experienced a completed or attempted sexual assault in their lifetime (www.ccasa.org).*

HB1042: Emergency Contraception For Survivors

Rep. Boyd and Sen. Vega

This bill required hospitals that treat survivors of sexual assault in their emergency rooms to inform the patients of emergency contraception options (EC). It required emergency rooms to either dispense EC or to provide a prescription and a referral to a pharmacy. Personnel who objected on moral or religious grounds were exempt, however, hospitals were not. EC was defined not to include RU-486, mifepristone or other drugs that induce medical abortion.

Position: Actively support

Current Status: Vetoed by the Governor

HB1072: Abortion Clinic Licensing

Rep. Schultheis

This bill required abortion providers, defined as “any provider that performs more than five first trimester abortions,” to be licensed annually by the Department of Public Health and Environment and to pay a \$5,500 fee. It directed the board of health to set up specific rules regarding these facilities, concerning things like private space, dressing rooms, bathroom areas, hand washing requirements, lighting and ventilation, emergency exits, and storage. In addition, specific rules would have regulated supplies and equipment, clinic personnel, medical screening and evaluation, abortion procedures, recovery room procedures, follow-up procedures and reporting requirements. Finally, the bill authorized the department to issue a cease and desist order if there was reasonable cause to believe that there was an infraction of these rules and to hold a hearing as to the validity of the violation.

Position: Actively oppose because the bill placed an unnecessary burden on abortion providers, and thereby on a woman's reproductive freedom.

Current Status: Postponed Indefinitely in the House Health and Human Services Committee on a 7-6 vote.

Note: It is also pertinent that a House amendment to SB 209 (the budget bill) attempted to inhibit abortion providers by prohibiting the Department of Health Care Policy and Financing from entering into any contracts with persons or organizations that provide, advocate, or grant referrals for abortion services. However, this amendment failed on a 30 to 35 floor vote.

HB1106: Unborn Child Pain Awareness Act

Rep. Brophy

This bill stated that substantial evidence exists that a fetus can feel pain at 20 weeks of gestation. It required that any woman wanting an abortion be informed that the procedure will cause pain to the fetus and that her choosing not to use anesthesia or other pain-reducing drugs for the fetus would subject her to a class one misdemeanor.

Position: Actively oppose—the scientific evidence relied upon was suspect and the bill impeded a woman’s reproductive choice.

Current Status: Postponed Indefinitely in the House Judiciary Committee on a 7-4 vote.

HB1141: Positive Birth Drug Test As Child Abuse

Rep. Harvey and Sen. Tochtrop

This bill defines the words “abuse” and “child abuse or neglect” in the Colorado Children’s Code to include cases in which a newborn tests positive for a schedule I or a schedule II controlled substance. The mother would not be investigated if she was legally prescribed drugs or voluntarily relinquished the baby. The ACLU opposed this bill because it does not require the universal testing of all newborns; instead it only specifies the testing of infants who either look unhealthy upon birth or are born to mothers who are known to officials to have an ongoing drug problem. Because these officials are much more likely to have such information on mothers who used public clinics rather than private doctors, lower income women are more likely to be subjected to these tests. We also believe that decisions about such testing should be determined by healthcare professionals, and not be mandated by the government.

Position: Actively oppose

Current Status: Signed by the Governor

HB1155: Definition of Pregnancy

Rep. Lundberg and Sen. Lamborn

This bill changed the definition of pregnancy in the criminal abortion statute from “the implantation of an embryo in the uterus,” to the “process of gestation in utero from conception to birth.” In other words, the definition of when life begins would be much stricter, defining pregnancy as when the union occurs between the sperm and the egg.

Position: Actively oppose because the proposed definition was not supported by science and reflected religious bias.

Current Status: Postponed Indefinitely in the House Judiciary Committee on a 7-4 vote.

HB1260: Prohibit Post-Viability Abortions

Rep. Crane

This bill made a post-viability abortion a class one misdemeanor. It defined “viability” as a fetus that, if completely expelled from the mother, would be likely to have a heartbeat, respiration or voluntary movement. There was an exception created for cases when the abortion would prevent the death of a pregnant woman or was necessary to prevent the substantial impairment of a mother’s major bodily function. The ACLU opposed to this bill because it allowed for further infringements upon a woman’s reproductive rights, and medical decisions such as this should be made by medical professionals and not by government officials.

Position: Actively oppose

Current Status: Postponed indefinitely in the House Judiciary Committee on a 6-4 vote, with one representative being excused.

Religious Freedom

- ▼ *There are two clauses in the First Amendment concerning religion. One is the free exercise clause, which guarantees the right to practice one's religion free from governmental interference. The other, the establishment clause, prevents the government from preferring one religion over another, or preferring any religion for that matter (U.S. Constitution).*
- ▼ *Since the year 2000, the ACLU has participated in five controversial cases involving religious violations by the government of Colorado, ranging from school-sponsored prayer to religious discrimination against government employees (www.aclu-co.org).*

HB1258: Property Tax Credit For Private School Tuition

Rep. Lundberg

This bill created a property tax credit for taxpayers paying tuition to private schools, including religious ones. It limited the credit only to taxpayers who had a child enrolled in a public school in the previous year, in a school district where enrollment increased from the year prior to the one for which the credit was claimed.

Position: Actively oppose because the bill violated the establishment clause.

Current Status: Postponed Indefinitely in the House Committee on Finance on an 8-4 vote, with one representative being excused.

SCR004: Repeal Colorado Constitution Section 7 of Article IX

Sen. Evans

This resolution proposed an amendment to Article IX of the Colorado Constitution, to repeal the prohibition on the use of public assets for religious purposes.

Position: Actively oppose because the provision would permit government entanglement in religious institutions.

Current Status: Postponed Indefinitely in the Senate Committee on Education on a 6-1 vote.

Immigrant Rights

- ▼ *Between the years 1990 and 2000, immigrants helped fuel Colorado's quickly expanding economy by filling nearly one-quarter of the 800,000 newly created jobs, most of which were low paying and not desired by native Coloradoans (Colorado Business Review).*
- ▼ *The ACLU played an integral role in restoring Medicaid assistance to thousands of documented immigrants, after the State of Colorado had discontinued their benefits in 2003 (www.aclu-co.org).*

HB 1086: Reinstate Medicaid For Legal Immigrants

Rep. Plant and Sen. Tapia

This bill reinstates medical assistance eligibility for non-citizen legal residents, requiring the Department of Health Care Policy and Financing to attempt the recovery of the cost of all medical assistance from the immigrant's sponsor.

Position: Actively support because of earlier legislative action to deny these benefits. The ACLU believed the denial was unfair and created arbitrary categories of eligibility for benefits.

Current Status: Signed by the Governor

HB1124: In-State Tuition

Rep. Vigil and Sen. Tapia

This bill granted eligibility for in-state tuition status to students who either graduated from a public or private high school in Colorado, or received a G.E.D. after having attended a Colorado high school for at least 3 years—regardless of immigration status. The student was required to provide the college or university with proof that he or she has filed, or intends to file, an application to become a permanent resident.

Position: Actively support
Current Status: Postponed Indefinitely in the House Committee on Appropriations on an 11-2 vote.

HB1271: Limit Government Services To Persons Legally In The U.S.

Rep. Schultheis

This bill prohibited state and county governments from providing services to persons who are not legally present in the US. Exceptions were made for police and fire protection, K-12 education, emergency medical care in a hospital emergency room, services necessary in a public health emergency, incarceration, and any other service required by federal law. Furthermore, it required state and county governments to ascertain legal status through valid documentation.

Position: Actively oppose because it denied many basic services to persons living in Colorado. It would have prevented childhood immunizations and preventative care for many people as well.
Current Status: Postponed Indefinitely in the House State, Veterans, and Military Affairs Committee on a 6-5 vote.
Note: A House amendment to SB 209 (the budget bill) attempted to disallow any state college or university from expending funds in order to provide any financial aid or service to persons who are undocumented residents of the United States. However, this amendment failed on a 28 to 37 vote.

HCR1007: Services for Legal Residents of the U.S.

Rep. Schultheis and Sen. Lamborn

This resolution proposed an amendment to the Colorado Constitution that prohibited government expenditures to provide non-emergency services to persons who are undocumented residents of the U.S. It made an exception for federally mandated services and incarceration.

Position: Actively oppose—see above.
Current Status: Postponed Indefinitely in the House State, Veterans, and Military Affairs Committee on a 6-5 vote.

Privacy

- ▼ *Congress passed the Patriot Act just 45 days after the 9/11 attacks, with virtually no debate. Under this Act, the government can legally search homes without telling the owners, and much more easily obtain access to medical histories, library records, credit card bills, e-mails and business and financial records (www.reformthepatriotact.org).*
- ▼ *There were more than 21,500 domestic violence incidents in the state of Colorado in the last three years (www.cbi.state.co.us).*

HJR1015: Privacy For Domestic Violence Shelters

Rep. Paccione and Sen. Grossman

This resolution proposes that the Colorado law dealing with confidentiality for domestic violence victims take precedence over federal HUD regulations, which require shelters to give personal identifying information and data about women and children in shelters.

Position: Actively support because the regulations violated the privacy of domestic violence victims and could lead to the victim's discovery by the abuser.

Current Status: Adopted. Note: This resolution was passed through the House on an unrecorded, voice, vote.

SJR044: Amend USA PATRIOT Act

Sen. Tupa and Rep. T. Carroll

This resolution supports constitutional rights and civil liberties, and expresses concerns about anti-terrorism efforts restricting these freedoms. It includes a list of activities that state agencies and instrumentalities should not be allowed to do, such as illegal surveillance, the maintaining of spy files, and racial profiling. Furthermore, it asks Congress to amend the USA PATRIOT Act and to oppose legislation that restricts civil liberties.

Position: Actively support

Current Status: Adopted

Transparency of Government

▼ *In an effort to enforce the Colorado open records laws, the ACLU of Colorado has repeatedly taken the Denver Police Department to court to challenge an informal policy of refusing to disclose records related to how it investigates serious allegations of police misconduct. Five times in recent years, the ACLU has sued to force the disclosure of documents connected to internal affairs investigations. The first four suits have already been successful, with the fifth pending as of June 2005. The ACLU has also successfully sued to force disclosure of the Denver Police Department's Memorandum of Understanding with the Federal Bureau of Investigation (FBI), the document that outlines Denver's participation in the FBI's Joint Terrorism Task Force (www.aclu-co.org).*

▼ *Questions have also arisen about governmental entities' spending practices, however many of those records have been unavailable for public review.*

HB 1041: Open Records of Higher Education Foundations

Rep. Knoedler and Sen. Tupa

This bill specifies that financial records of nonprofit foundations that benefit a state institution of higher education be subject to the Colorado Open Records Act. It protects the names of donors and prospective donors from being disclosed, along with many other records. However, it requires each governing board to annually report all donations received to the governor and the General Assembly.

Position: Support since it increases public information while protecting individual information.

Current Status: Signed by the Governor

SB131: Open Records Exception For Security Info.

Sen. Grossman and Rep. T. Carroll

This bill requires security and financial records, including those of homeland security, to be open to the public. There is an exception if the disclosure would result in a real threat to public health or safety, or to the security of a facility. They may be closed if a keeper of the records confirms that the disclosure would pose a threat.

Position: Actively support

Current Status: Signed by the Governor

Justice and the Courts

- ▼ *2004 saw a 4.66% increase in civil and criminal cases filed in court, as compared to those filed in 2003 (www.courts.state.co).*
- ▼ *Hate crimes are a huge issue within the state of Colorado, with over 385 offenses being committed in the last three years alone (www.cbi.state.co.us).*

HB 1014: Substantive Omnibus Criminal Law Changes

Rep T. Carroll and Sen. Grossman

One of the amendments to this bill added sexual orientation and physical or mental disability to the “bias-motivated crimes” statute, an existing offense previously know as “ethnic intimidation.” Originally this statute dealt with crimes committed with the intent to intimidate or harass another person because of their race, color, ancestry, religion, or national origin.

Position: Support
Current Status: Became law without the Governor’s signature.

HB1326: Restrict Residence and Work Location Of Sexual Predators

Rep. Green

This bill prohibited a sexually violent predator or a person sentenced under a similar law in another state from knowingly living or working within 1,500 feet of specified locations frequented by children, including schools, playgrounds, day care centers, video arcades and shopping malls. It also permitted local governments to adopt stricter rules regulating residence and work locations of sex offenders. The ACLU opposed this bill because it was overly broad and vague and it restricted the ability of certain individuals to travel, without providing any real protection for children.

Position: Actively oppose
Current Status: Postponed Indefinitely in the House Judiciary Committee on a 7-4 vote.

SCR008: Permit Recall Elections For Judges

Sen. Lamborn and Rep. Harvey

This resolution proposed an amendment to Article IX of the Colorado Constitution to create a process for holding recall elections for judges. ACLU opposed this because it threatened the independence of the judiciary by introducing the opportunity for political pressure.

Position: Actively oppose
Current Status: Postponed Indefinitely in the Senate Committee on State, Veterans and Military Affairs on a 4-3 vote.

SB017: Misdemeanor Crime For Failure To Disclose HIV Positive Status

Sen. Windels and Rep. Jahn

This bill created a new class 1 misdemeanor offense for HIV positive persons who engage in specified sexual acts with a partner without first disclosing their HIV status. It also contained an affirmative defense for persons who know of their HIV positive status and disclosed this to their sexual partner.

Position: Actively oppose since it penalized persons because of their health status.
Current Status: Postponed Indefinitely in the Senate Judiciary Committee on a 6-0 vote.

Equal Rights

▼ *Colorado is one of 34 states in the U.S. where lesbian, gay, bisexual and transgender people can legally be fired just for being gay. In all of these 34 states, sexual orientation is not a protected status (www.hrc.org)*

SJR030: Equal Pay

Sen. Windels and Rep. Paccione

This resolution recognized the inequality faced by women and people of color in the workforce. Further, it proclaimed Tuesday, April 9, 2005 to be “Equal Pay Day,” and businesses were urged to ensure that women and people of color are being paid fairly.

Position: Support

Current Status: Passed in both the Colorado Senate and House

SB028: Employment Nondiscrimination Act

Sen. Veiga and Rep. Madden

This bill added sexual orientation to current Colorado employment anti-discrimination laws, and expanded the definition of the term to include transgender people. It also permitted employers to enforce dress codes and to require reasonably consistent gender presentation for transgender persons.

Position: Actively support

Current Status: Vetoed by the Governor

SB 235: Enable Small Group Health Plans To Offer Domestic Partner Coverage

Sen. Veiga and Rep. Marshall

This bill allows health insurance carriers to offer small group market employers standard or basic health plans, including coverage for an employee’s domestic partner and their dependents.

Position: Support

Current Status: Signed by the Governor

HCR1002: Limit Legal Status of Marriage To Opposite Sex Couples

Rep. Lundberg and Sen. Jones

This resolution proposed an amendment to the Bill of Rights in the Colorado Constitution to limit marriage, including valid common law marriage, to couples consisting of one man and one woman. It also prohibited the creation or recognition of a legal status for all unmarried persons that is “similar to that of the legal status of married persons.”

Position: Actively oppose

Current Status: Postponed Indefinitely by the House Judiciary Committee on a 6-5 vote.

SB140: Limiting Legal Implications of Marriage

Sen. Lamborn and Rep. Harvey

This bill established a public policy in Colorado to “protect marriage” by specifying that only marriages between one man and one woman are “entitled to the totality of legal benefits, protections, and responsibilities of marriage.” It prohibited the persons in a domestic relationship, civil union, or any other relationship that did not meet these requirements from receiving the legal benefits that are normally given to married couples.

Position: Actively oppose

Current Status: Postponed Indefinitely in the Senate Committee on State, Veterans and Military Affairs on a 4-3 vote.

Speech

- ▼ *Within days of Ward Churchill's comments concerning the attacks on September 11 becoming known to the public, Colorado Gov. Bill Owens called for Churchill's resignation, saying that taxpayers should not have to subsidize Churchill's "outrageous and insupportable" views. This comment was made seemingly without any consideration given to the Freedom of Speech rights protected under the First Amendment. (www.colorado.gov/governor/press/february05/churchill)*

SB085: Academic Freedom of Higher Education Students & Faculty

Sen. Hagedorn and Rep. Paccione

The bill in its original form restricted free speech rather than protecting it. And, even though it had been amended to render the entire bill to be only a legislative declaration on academic freedom, the ACLU continued to be opposed to it.

Position: Actively oppose
Current Status: Defeated in the House

SJR010: Dismiss Professor Churchill From CU

Sen. Lamborn and Rep. Schulteis

This resolution called for the CU Regents to terminate the employment of Prof. Ward Churchill because of his comments related to the terrorist attacks on September 11. The ACLU opposed this resolution because it authorized firing a professor due to the content of his political speech.

Position: Actively oppose
Current Status: Postponed Indefinitely in the Senate Committee on State, Veterans and Military Affairs on a 5-0 vote, with two senators being excused.

SB100: Increased Protection For Homeowners

Sen. Hagedorn and Rep. M. Carroll

This bill prohibits homeowner's associations from making rules that prevent homeowners from displaying American flags (including service flags bearing stars during times of war), as well as various political signs. It also invalidates any new or existing covenants that prohibit xeriscaping or require landscaping with turf grasses. Finally, it also requires HOAs to open their books and records to homeowners (with certain exemptions).

Position: Support the free expression provisions; neutral on other parts of the bill.
Current Status: Signed by the Governor

TABOR Reform

- ▼ *The state of Colorado has faced a fiscal budget deficit for the past four years, necessitating many program cuts in order to balance the budget.*
- ▼ *As a result of this deficit, the University of Colorado's in-state students will face a significant tuition increase this year, between 20% and 28% (www.cclponline.org/cfpil).*

HB 1194: Adjust Limit To Stabilize State Budget

Rep. Romanoff and Sen. Johnson

This bill authorizes the state to keep and spend its excess revenues from fiscal year 2005-2006 to fiscal year 2009-2010. It requires that all retained revenue be used to fund transportation, education, as well as health care and pension plans for firefighters and police officers. It also introduces a new formula for determining state fiscal year spending, to be equal to the highest total state revenues for a fiscal year from the period 2005-06 through 2009-10,

and adjusted each subsequent year for inflation and population growth. The ACLU supports this bill because state budgetary cuts have an impact on courts and other services needed to exercise constitutional rights. Additionally, adverse cuts in healthcare and other essential services fall disproportionately on the poor.

- Position:** Actively support
Current Status: Signed by the Governor.
Note: The ACLU also supports Referendum C, which permits the retention and spending of tax monies. However, we are neutral on referendum D, which directs how those monies will be spent.

Elections

- ▼ *In the November 2004 General Election, 89.33% of registered Colorado voters turned out to cast their vote (www.sos.state.co.us).*
- ▼ *Confusion over acceptable IDs for voting was rampant over the entire state in last year's election, with some precincts accepting IDs that were not considered official, and other precincts refusing to accept forms of ID from voters which were in fact acceptable according to the official requirements set by the Secretary of State (Fair Vote Colorado).*
- ▼ *Provisional ballots caused a ruckus in many states last year, including Colorado. Some counties accepted as many as 86 percent of their provisional ballots, while other counties accepted only 43 percent (Fair Vote Colorado).*

SB206: Concerning Elections

Sen. Tupa and Rep. White

This bill implements the recommendations of the Secretary of State's Blue Ribbon Election Panel. It requires persons who intend to conduct voter registration drives to register with the Secretary of State, fulfill training requirements, use approved forms, and to deliver completed forms to county clerks within five business days of the date the application is signed. Furthermore, it prohibits voter registration drives from compensating employees on a per voter basis, creating penalties for violations. The bill also allows persons who do not show identification at polling places to use provisional ballots, with such ballots (when belonging to confirmed registered voters) counting towards all statewide candidates and issues. The ACLU supported parts of this bill that improved access to voting. However we are opposed to requirements that all voters present IDs, as well as to restrictions on provisional ballots.

- Position:** Support
Current Status: Signed by the Governor

SB094: Preparation Of Blue Book

Sen. Keller and Rep. Weissman

This bill states that after receiving comments from the public, and before finalizing the "blue book," the director of the legislative council must hold a public meeting where they and other members of the legislative council may express their concerns about issues. Following this meeting, the director may then edit the "blue book" in response to these comments, with the legislative council also having the ability to make changes with the consent of a two-thirds majority. The ACLU watched this bill because there was the potential for significant adverse impacts on the information provided in the blue book.

- Position:** Monitor
Current Status: Signed by the Governor

Colorado House Of Representatives 2005

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Representative	District	Party	HB 1014	HB 1041	HB 1042	HB 1086	HB 1141	HB 1194	SB 028	SB 085	SB 100	SB 131	SB 206	SB 235	SJR 044	2005 Score (%)
Balmer, David G	39	R	○	●	○	●	○	○	○	●	○	●	●	○	○	38.5%
Benfield, Debbie	28	D	●	○	●	●	○	●	●	○	○	●	●	●	●	69.2%
Berens, Bill	33	R	○	●	●	●	○	●	○	●	●	●	●	●	○	69.2%
Borodkin, Alice	9	D	●	○	●	●	○	●	●	○	○	●	●	●	●	69.2%
Boyd, Betty	26	D	●	●	●	●	○	●	●	○	●	●	●	●	●	84.6%
Brohy, Greg	63	R	○	●	○	○	○	○	○	●	○	●	●	○	●	38.5%
Buescher, Bernie	55	D	●	●	E	●	○	●	●	○	●	●	●	●	●	83.3%
Butcher, Dorothy B	46	D	●	○	●	●	E	○	●	●	●	●	●	●	●	83.3%
Cadman, Bill	15	R	○	●	○	○	○	●	○	●	○	●	●	○	○	38.5%
Carroll, Morgan	36	D	●	●	●	●	○	●	●	○	●	●	●	●	●	84.6%
Carroll, Terrance	7	D	●	●	●	●	○	●	●	●	●	●	●	●	●	92.3%
Cerbo, Mike	2	D	●	●	●	●	○	●	●	○	●	●	●	●	●	84.6%
Clapp, Lauri	37	R	○	●	○	●	○	○	○	●	○	●	●	○	○	38.5%
Cloer, Mark	17	R	○	●	○	●	○	○	○	●	○	●	●	○	●	46.2%
Coleman, Fran	1	D	●	●	●	●	○	●	●	○	○	●	●	●	●	76.9%
Crane, Bill	27	R	○	●	○	○	○	○	○	●	●	●	●	●	○	46.2%
Curry, Kathleen	61	D	●	●	●	●	○	●	●	●	○	●	●	●	●	84.6%
Decker, Richard D	19	R	○	●	○	●	○	○	○	●	●	●	●	○	○	46.2%
Frangas, K. Jerry	4	D	○	●	●	●	○	●	●	○	●	●	●	●	●	76.9%
Gallegos, Rafael Lorenzo	62	D	●	E	●	●	○	●	●	●	●	●	●	●	●	91.7%
Garcia, Michael	42	D	●	●	●	○	○	●	●	○	●	●	●	●	●	76.9%
Green, Gwyn	23	D	●	●	●	●	○	●	●	○	●	●	●	●	●	84.6%
Hall, Dale	48	R	○	●	○	●	○	●	○	●	○	●	●	●	○	53.8%
Harvey, Ted	43	R	○	●	○	○	○	○	○	●	○	●	●	○	○	30.8%
Hefley, Lynn Christian	20	R	○	●	●	●	○	○	○	●	○	●	○	○	○	38.5%
Hodge, Mary	30	D	●	●	●	●	○	●	●	○	●	●	●	●	●	84.6%
Hoppe, Diane	65	R	○	●	●	○	○	●	○	●	○	●	●	●	○	53.8%
Jahn, Cheri	24	D	●	●	●	●	○	●	●	○	●	●	●	●	●	84.6%
Judd, Joel	5	D	●	●	●	●	○	●	●	○	●	●	●	●	●	84.6%
Kerr, James E "Jim"	28	R	○	●	●	●	○	○	○	●	○	●	●	●	○	53.8%
King, Keith	21	R	○	●	○	○	○	○	○	●	○	●	●	○	○	30.8%
Knoedler, Matt	22	R	○	●	○	○	○	○	○	●	○	●	●	○	○	46.2%
Larson, Mark	59	R	●	●	●	●	○	●	○	●	●	●	○	●	○	69.2%

Colorado House Of Representatives 2005

Representative	District	Party	HB 1014	HB 1041	HB 1042	HB 1086	HB 1141	HB 1194	SB 028	SB 085	SB 100	SB 131	SB 206	SB 235	SJR 044	2005 Score (%)
Lindstrom, Gary M	56	D	●	●	●	●	○	●	●	○	○	●	●	●	●	76.9%
Liston, Larry G	16	R	○	●	○	○	○	○	○	●	○	●	●	●	○	38.5%
Lundberg, Kevin	49	R	○	●	○	○	○	○	○	●	○	●	●	○	○	30.8%
Madden, Alice	10	D	●	●	●	●	○	●	●	○	●	●	●	●	●	84.6%
Marshall, Rosemary	8	D	●	●	●	●	○	●	●	○	●	●	●	●	●	84.6%
Massey, Tom	60	R	○	●	○	●	○	●	○	●	○	●	●	●	○	53.8%
May, Mike	44	R	○	○	●	●	○	●	○	●	●	●	●	●	○	46.2%
McCluskey, Bob	52	R	○	○	●	●	○	●	○	●	●	●	●	●	○	61.5%
McFadyen, Liane "Buffie"	47	D	●	●	●	●	○	●	●	○	●	●	●	A	●	83.3%
McGihon, Anne L.	3	D	●	●	●	●	○	●	●	○	○	●	●	●	●	76.9%
McKinley, Wes	64	D	○	●	●	●	○	●	●	○	●	●	●	●	●	76.9%
Merrifield, Michael	18	D	●	●	●	●	○	●	●	○	●	●	●	●	●	84.6%
Paccione, Angela V	53	D	●	●	●	●	○	●	●	○	●	●	●	●	●	84.6%
Penry, Joshua	54	R	○	●	○	●	E	○	○	●	○	●	●	○	○	41.7%
Plant, tom	13	D	●	●	●	●	○	●	●	○	●	●	●	●	●	84.6%
Pommer, Jack	11	D	●	●	●	●	○	●	●	○	●	●	●	●	●	84.6%
Ragsdale, Ann F	35	D	●	○	●	●	○	●	●	○	●	●	●	●	●	76.9%
Riesberg, Jim	50	D	●	●	●	●	○	●	●	○	●	●	●	●	●	84.6%
Romanoff, Andrew	6	D	●	●	●	●	○	●	●	○	○	●	●	●	○	69.2%
Rose, Ray	58	R	○	●	○	○	○	●	○	●	○	●	●	○	○	38.5%
Schultheis, David	14	R	○	●	○	○	○	○	○	●	○	●	●	○	○	30.8%
Solano, Judy	31	D	●	●	●	●	○	●	●	○	●	●	●	●	●	84.6%
Soper, John F	34	D	●	○	●	●	○	●	●	○	E	●	●	E	●	72.7%
Stafford, Debbie	40	R	○	●	○	●	○	●	○	●	○	●	○	○	○	38.5%
Stengal, Joe	38	R	○	●	●	○	○	○	○	●	○	●	●	●	○	46.2%
Sullivan, James R "Jim"	45	R	○	●	●	○	○	●	○	●	●	●	○	●	○	53.8%
Todd, Nancy	41	D	●	●	●	●	○	●	●	○	●	●	●	●	●	84.6%
Vigil, Valentin, J	32	D	●	○	●	●	○	●	●	○	●	●	●	●	●	76.9%
Weismann, Paul	12	D	●	○	●	●	○	●	●	●	●	●	●	●	●	84.6%
Welker, Jim	51	R	○	●	○	○	○	○	○	●	●	●	●	○	○	38.5%
White, Al	57	R	○	●	●	●	○	●	●	●	●	●	●	●	○	76.9%
Witwer, John	25	R	○	●	●	○	○	●	○	●	●	●	●	●	○	61.5%

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Colorado Senate 2005

Representative	District	Party	HB 1014	HB 1041	HB 1042	HB 1086	HB 1141	HB 1194	HJR 1015	SB 028	SB 085	SB 100	SB 131	SB 206	SB 235	SJR 044	2005 Score (%)
Anderson, Norma V.	22	R	○	●	●	●	○	●	●	○	●	○	●	●	●	●	71.4%
Bacon, Bob	14	D	●	●	●	●	○	●	●	●	○	●	●	●	●	●	85.7%
Dyer, Jim	26	R	E	●	○	○	○	○	●	E	●	E	○	E	○	E	33.3%
Entz, Lewis H.	5	R	○	●	●	●	○	●	●	○	●	○	●	●	●	●	71.4%
Evans, John	30	R	○	●	○	●	○	○	●	○	●	○	●	●	○	●	50.0%
FitzGerald, Joan	16	D	●	●	●	●	○	●	●	●	○	○	●	●	●	●	78.6%
Gordon, Ken	35	D	●	●	●	●	○	●	●	●	○	●	●	●	●	●	85.7%
Groff, Peter C.	33	D	●	●	●	●	○	●	●	●	○	●	●	●	●	●	85.7%
Grossman, Dan	32	D	●	●	●	●	○	●	●	●	○	○	●	●	●	●	78.6%
Hagadorn, Bob	29	D	●	●	●	●	○	●	●	●	○	●	●	●	●	●	85.7%
Hanna, Deanna	21	D	●	●	●	●	○	●	●	●	○	○	●	●	●	●	78.6%
Hilman, Mark D.	1	R	○	●	○	○	○	○	●	○	E	○	●	●	●	●	46.2%
Isgar, Jim	6	D	●	●	●	●	○	●	●	●	○	●	●	●	●	●	85.7%
Johnson, Steve	15	R	○	●	○	●	○	●	●	○	●	●	●	●	●	●	71.4%
Jones, Ed	11	R	○	●	○	●	○	○	●	○	E	○	●	●	○	●	46.2%
Keller, Maryanne "Moe"	20	D	●	●	●	●	○	●	●	●	○	●	●	●	●	●	85.7%
Kester, Ken	2	R	○	●	●	●	○	●	●	○	●	●	●	●	E	●	76.9%
Lamborn, Doug	9	R	○	●	○	○	○	○	●	○	E	○	●	●	○	●	38.5%

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Colorado Senate 2005

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May, Ron	10	R	○	●	○	○	○	○	●	○	E	○	●	●	○	○	30.8%
McElhany, Andy	12	R	○	●	○	○	○	○	●	○	E	○	●	●	●	●	46.2%
Mitchell, Shawn	23	R	○	●	○	●	○	○	●	○	●	○	●	●	●	○	50.0%
Owen, David T. "Dave"	13	R	○	●	○	●	○	●	●	○	E	○	●	●	○	●	53.8%
Sandoval, Sandra E.	34	D	●	●	●	●	○	●	●	●	○	●	●	●	●	●	85.7%
Shaffer, Brandon C.	17	D	●	●	●	●	○	●	●	●	○	●	●	●	●	●	85.7%
Spence, Nancy	27	R	○	●	●	●	○	●	●	○	E	○	●	●	●	●	69.2%
Takis, Stephanie	25	D	●	●	●	●	○	●	●	●	○	●	●	●	●	●	85.7%
Tapia, Abel J.	3	D	●	●	●	●	○	●	●	●	○	●	●	●	●	●	85.7%
Taylor, Jack	8	R	○	●	○	●	○	●	●	○	○	●	●	●	●	●	64.3%
Teck, Donald J.	7	R	○	●	○	●	○	●	●	○	E	●	●	●	●	●	69.2%
Tochtrop, lois	24	D	●	●	●	●	○	●	●	●	○	●	●	●	●	●	85.7%
Tupa, Ron	18	D	●	●	●	●	○	●	●	●	○	●	●	●	●	●	85.7%
Veiga, Jennifer	31	D	●	●	●	●	○	●	●	●	○	○	●	●	●	●	78.6%
Wiens, Tom J.	4	R	○	●	○	●	○	○	●	○	●	●	●	●	○	●	57.1%
Williams, Suzanne	28	D	●	●	●	●	○	●	●	●	○	●	●	●	●	●	85.7%
Windels, Sue	19	D	●	●	●	●	○	●	●	●	○	●	●	●	●	●	85.7%

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The ACLU of C

The ACLU is here to protect your civil rights and liberties, but we can't do it alone. As we are a non-profit organization, most of our money comes from individual donations and membership dues, and countless volunteer hours are spent each year in every facet of the Colorado ACLU, from legislative to legal, intake to interns.

If you have a passion for defending your civil rights and liberties, as well of those of your fellow Coloradans, we encourage you to become a member of our organization and to volunteer some of your time and resources to helping the ACLU Foundation of Colorado.

Whether you can only donate a few hours a month, or come in every week, we'd love to have you helping us out.

We have need of volunteers in the following areas:

Lobbying/Advocacy*

Track issues and specific bills, work with the legislative committee and attend legislative hearings.

Legal Department Support

Volunteer attorneys, law students and paralegals interested in supporting the ACLU's Legal Department.

Intake Assistance

Answer questions, provide referrals, write summaries of requests for legal help (This requires a six-month commitment of at least four hours per week).

Fundraising*

Research corporations and foundations, contact pre-screened ACLU donors and assist with fundraising projects and events.

Education*

Work on seminars and professional educational programs, plan community forums, assist with newsletter publications, and organize and maintain an extensive library.

Speaker's Bureau*

Participate in topic specific training sessions, make presentations to a variety of organizations such as service clubs, student groups, church groups, student interest clubs and professional associations.

Internships

Looking for undergraduate and graduate students from all disciplines to work with staff on important, substantive projects.

*Training, Materials and Support Provided

Colorado Wants You!

Name:	Occupation:
Address:	City:
Phone: Day:	State: Zip Code:
Evening:	e-mail:

Check all of the opportunities that interest you:

- | | | |
|---|--|--------------------------------|
| <input type="checkbox"/> Lobbying | <input type="checkbox"/> Projects/Events | <input type="checkbox"/> Other |
| <input type="checkbox"/> Speaker's Bureau | <input type="checkbox"/> Fundraising | _____ |
| <input type="checkbox"/> Legal Department | <input type="checkbox"/> Education | _____ |

Comments: _____

Please detach and send to: ACLU of Colorado, 400 Corona Street, Denver, Colorado 80218 or fax to 303.777.1773



GET INVOLVED!

Tell your Elected Officials what you think!

Colorado Senate

(303) 866-2316
Senate Toll Free
1-888-473-8136 (Jan-May)
<http://www.coloradosenate.com>

Colorado House of Representatives

(303) 866-2904
House Toll Free
1-800-811-7647 (Jan-May)
<http://www.leg.state.co.us/>

Info Center/Bill Room

(303) 866-3055

Governor's Office

Gov. Bill Owens
(303) 866-2417
Fax: (303) 866-2003
governorowens@state.co.us

Capitol Mailing Address

Colorado State Capitol
200 East Colfax Ave.
Denver, CO 80203

Colorado Website

www.colorado.gov



ACLU of Colorado
400 Corona Street
Denver, Colorado 80218
p: 303.777.5482
f: 303.777.1773