

# Immigration

## Elections

**SB 11-018** (Postponed Indefinitely)  
Proof of Citizenship for Voter  
Registration

**SCR 11-002** (Postponed Indefinitely)  
Voter Registration Proof of Citizenship

**SCR 11-003** (Postponed Indefinitely)  
Elected Official Proof of Citizenship

**HB 11-1003** (Postponed Indefinitely)  
Define ID for Voting

**HB 11-1252** (Postponed Indefinitely)  
Proof of Citizenship for Voter  
Registration

## Employment

**SB 11-129** (Postponed Indefinitely)  
Fair Legal Employment for Coloradans

**SCR 11-004** (Postponed Indefinitely)  
Require Employers Use E-Verify

**HB 11-1149** (Deemed Lost)  
Identity Verification of Lawful Presence

**HB 11-1309** (Postponed Indefinitely)  
Prevent Unlawful Employment &  
Human Smuggling

## Law Enforcement

**SB 11-054** (Postponed Indefinitely)  
Authority to Arrest Unlawful Aliens

**HB 11-1088** (Postponed Indefinitely)  
Bond for Persons Illegally Present

**HB 11-1107** (Postponed Indefinitely)  
State Illegal Immigration Enforcement

**HB 11-1140** (Postponed Indefinitely)  
Strengthening Illegal Alien Laws

## Public Benefits

**SB 11-126** (Postponed Indefinitely)  
Unsubsidized In-State Tuition

The General Assembly in 2011 considered a variety of legislation pertaining to immigrants and immigration, although none of these bills ultimately became law. Specifically, the legislature considered measures related to citizenship and elections, employment of immigrants, creating additional law enforcement options regarding illegal immigration, and providing in-state tuition benefits to illegal immigrant children.

## Elections

**House Bill 11-1003**, which was postponed indefinitely, would have required that identification used for election-related purposes include a photograph of the individual. The bill would have removed several forms of identification from the list of acceptable identification. However, residents of state-licensed institutions would have been able to use a Medicare or Medicaid card as voter identification.

**Senate Bill 11-018**, which was postponed indefinitely, would have required proof of citizenship to register to vote in Colorado. To register with the county clerk or at a driver's license examination facility, a voter would have had to submit one of the following forms of identification, or a legible copy:

- a United States passport;

- a birth certificate;
- a certificate of naturalization (or verifiable naturalization number); or
- other documentation of citizenship allowed under federal law.

Voters who are currently registered would not have been required to provide proof of citizenship. In addition, proof of citizenship would not have been required to update a voter's address, personal information, or party affiliation. Military and overseas voters registering by federal postcard application would have been exempt from the requirements of the bill.

**House Bill 11-1252**, which was postponed indefinitely, would have required the Secretary of State to compare information in the statewide computerized voter registration system (SCORE) against other state and federal agency records to determine the citizenship status of registered voters. Following a review of available evidence, a notice would have been sent, with return receipt requested, to any voter registered in SCORE who the secretary believed was not a U.S. citizen. Registered voters receiving such a notice would have had 90 days to submit documentation proving their citizenship to the secretary. A U.S. passport, birth certificate, naturalization information, or other documents accepted under federal law would have been considered acceptable documentation. Any voter failing to submit proof of citizenship within 90 days of the secretary's notice would have been deemed to have an incomplete registration record and would have become ineligible to vote. The bill would also have required the secretary to assist voters claiming financial hardship by obtaining a certified copy of the voter's birth certificate. **Senate Concurrent Resolution 11-002**, which was also postponed indefinitely, would have referred a constitutional amendment to voters at the 2012 general election containing the same requirements as House Bill 11-1252.

**Senate Concurrent Resolution 11-003**, which was postponed indefinitely, would have referred a constitutional amendment to voters at the 2012 general election requiring elected officials to provide proof of citizenship along with their oath of office. State elected officials would have had to submit proof, such as a U.S. passport, birth certificate, or naturalization certificate, to the Secretary of State. Local elected officials would have had to submit proof to their county clerk. An elected office would have been deemed vacant if the winning individual refused or neglected to file proof of citizenship.

## **Employment**

**Senate Bill 11-129**, which was postponed indefinitely, would have required all non-governmental employers in the state, with the exception of those who employ only persons holding H-2A visas (temporary agricultural workers), to participate in the federal E-Verify Program for purposes of verifying work eligibility status of all new employees. Employers would have been subject to fines for failure to participate, and employers who hired unauthorized aliens would have been subject to penalties including a probationary period, suspension, and revocation of business licenses. The bill would also have made it a discriminatory or unfair employment practice for an employer to refuse to hire a qualified citizen while hiring or retaining an employee who was not legally in the country. **Senate Concurrent Resolution 11-004**, which was also postponed indefinitely, would have referred a constitutional amendment to voters at the 2012 general election containing the same requirements as Senate Bill 11-129.

**House Bill 11-1149** would have clarified that employers in Colorado must attest that they have examined legally acceptable documents to verify the identity of newly hired employees when

determining their legal work status as required by federal law. The bill's procedures would have been identical to the process of completing the federal I-9 form, used to determine lawful presence and authorization to work in the United States. As introduced, the bill would have also required applicants for any state, local, or federal public benefit produce a social security card, in addition to the identification requirements in current law. The bill was deemed lost.

**House Bill 11-1309**, which was postponed indefinitely, would have required an employer to respond within 20 days to a request from the Director of the Division of Labor in the Colorado Department of Labor and Employment (CDLE) for employment verification documentation. One extension would have been allowed, after which the employer could have been fined. The bill would also have required the director to report annually to the House Economic and Business Development Committee and the Senate Business, Labor, and Technology Committee regarding the administration and enforcement of the employment verification program.

## **Law Enforcement**

**Senate Bill 11-054**, which was postponed indefinitely, would have allowed a law enforcement officer to arrest a person without a warrant if the officer had probable cause to believe the person was an alien who:

- was subject to a removal order by an immigration court;
- was subject to a detainer or notice issued by the Department of Homeland Security;
- had been indicted for or convicted of an aggravated felony; or
- had willfully failed to register with the federal government.

**House Bill 11-1107** would also have allowed a law enforcement officer to arrest a person without a warrant if the officer had probable cause to believe the person had committed an offense that made the person removable from the United States. A law enforcement officer or agency was required to make a reasonable attempt to determine the immigration status of a person during any legitimate contact if reasonable suspicion existed that the person was an unlawful alien, unless the attempt would hinder an investigation. In addition, this bill would have prohibited local government officials and agencies from restricting the distribution of immigration status information or adopting policies to limit immigration enforcement. The bill would also have created several crimes related to unlawful immigration, including stopping to hire day laborers and willfully failing to carry an alien registration document. It also would have required law enforcement officials to impound any vehicle used to unlawfully transport an illegal alien. This bill was also postponed indefinitely.

**House Bill 11-1140**, which was postponed indefinitely, would have prohibited local governments that did not participate in the Immigration and Customs Enforcement Agency's Secure Communities Initiative (SCI) from receiving local government grants, severance taxes, local government mineral impact funds, and cigarette tax revenues. Cigarette tax revenues used by local governments for veterans services were exempt bill's provisions. The forfeited funds would be redirected proportionately to all local governments who did participate in SCI.

**House Bill 11-1088**, which was postponed indefinitely, would have eliminated an exemption that allows bail bond agents to recover a bond if the defendant released on that bond is illegally present in the country, and is subsequently removed from the country. As a result of the bill, the bond on that individual would have been forfeited once the defendant was removed from the country.

## **Public Benefits**

**Senate Bill 11-126** would have created a new classification of students at state supported institutions of higher education: "unsubsidized in-state student for tuition purposes." Students who attended high school in the state for at least three years and were admitted to a state higher education institution within one academic year following graduation would have been eligible for this classification. Those who did not have documentation of lawful immigration would have been required to file an affidavit with the school stating that they had applied for lawful status or would file an application as soon as they were eligible to do so. Students in this classification would not have been eligible to receive stipends from the College Opportunity Fund or state-funded, need-based financial aid, but they would have been able to pay the in-state tuition rate. This bill was postponed indefinitely.