



# Eye on Colorado

2008 Legislative Scorecard for Civil Liberties



Photo courtesy Jason Manke  
Sunset on Whitehouse Mountain, Sneffles Range Wilderness, Colorado  
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Dear Friends & Supporters,

Welcome to the fourth annual *Eye on Colorado*, the ACLU of Colorado's 2008 Legislative Scorecard. As you read through the report you will see the breadth of legislation that we review, watching for impacts on civil liberties and civil rights. Careful scrutiny of proposed legislation is so critical, in large part because of the expansive nature of our mission. We work on reproductive freedom, criminal justice reform, immigration issues, religious liberty, voting rights, lesbian, gay, bisexual and transgender rights and more—rights for all people.

Since the 2004 legislative session, the ACLU of Colorado's presence in the Colorado General Assembly has grown dramatically. We followed 95 bills this year, delivered formal testimony on more than 30, and took a position on 47. Of the 18 bills that we supported, 16 passed the legislature, and all but one were signed into law by Governor Ritter. Of the 29 bills that we opposed, 27 were defeated. Overall, this year's legislative session was a huge victory for civil rights and civil liberties.

This scorecard includes a summary of the bills we followed, along with the legislators' votes on some of the key bills. It is a rare legislator who votes for civil liberties 100% of the time, but in this session, three members of the House of Representatives and four members of the Senate did just that. To see if one of your officials is among this principled group, look for their scores on the right-hand side of the charts.

I am especially proud of our work this year on criminal justice reform. We helped pass several bills regarding the retention of evidence, especially DNA evidence. Next year will likely bring more battles relating to the collection of DNA. Some district attorneys have stated that they want to collect DNA from all people who are arrested, even when DNA is not connected to the crime. They seem to reason that if you are arrested for something and not convicted, the very fact that you were arrested implies that you will break the law in the future and they will then need your DNA on file.

Yet beyond lobbyists and lawyers, the ACLU of Colorado's most effective weapon at the state legislature is you. You respond to our action alerts during the session. You remind the Governor and the legislators that civil liberties are important with your calls, with your letters and your emails. If you do not currently receive our action alerts, send us your email address and you will get them in the next session. We only send alerts when it is critical for you to take action, because we respect your time and your inbox.

I hope that this *Eye on Colorado* is informative and enjoyable. Thank you for your interest and your support. It is essential to our ability to protect your liberty and that of future generations.

Sincerely,



Cathryn L. Hazouri  
Executive Director

# Key Terms



**HB:** House Bill

**SB:** Senate Bill

**Active Support:** The ACLU of Colorado actively lobbied and/or testified for the passage of the bill.

**Passive Support:** The ACLU of Colorado supported the bill but did not lobby or testify for it.

**Active Oppose:** The ACLU of Colorado actively lobbied and/or testified in order to prevent the bill's passage.

**Passive Oppose:** The ACLU of Colorado opposed the bill but did not lobby or testify against it.

**Monitor:** The bill did not have a clear positive or negative impact on civil liberties, yet it had the potential to affect them.

**Active Monitor:** The bill did not have a clear positive or negative impact on civil liberties, yet it had the potential to affect them. The ACLU of Colorado testified due to this potential.

**Postponed Indefinitely:** The bill was defeated in committee before going to a legislative floor vote. These bills are not recorded on the legislative scorecard, but may be listed among Summaries of Bills.

**Vetoed by the Governor:** The bill passed both houses of the Colorado legislature but the Governor rejected the bill and it did not become law.

**Signed by the Governor:** The bill passed both houses of the Colorado legislature and the Governor approved the bill, therefore it is now Colorado law.

✓ This symbol denotes that the bill is recorded in the Scorecard.

\* This symbol denotes an amendment to a bill.

*Note:* All bills are disposed of when the legislative session ends.

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## Due Process

*“Once a youth is direct filed, the law requires [his or her] removal from juvenile detention centers and to an adult jail until the case is resolved, often resulting in isolation and depriving the youth of education and treatment.”*

- Colorado Criminal Defense Bar

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## HB 1130: Interception of Communications Extension

Sponsored by Rep. Garza-Hicks & Sen. Tapia

This bill permits a designee of a district attorney or of the attorney general to apply for a wiretap if the district attorney or attorney general is unavailable. The bill also increases the number of month-long extensions available to three.

**Position:** Monitor – This bill had the potential to minimize court oversight and allow wiretapping to function unmonitored. Senator Renfroe attempted to expand the duration of a wiretap court order from one month to eleven, however that amendment failed.

**Current Status:** Signed by the Governor.

## ✓ HB 1208: Limitations on Direct File Juvenile Case

Sponsored by Rep. Levy & Sen. Shaffer

This bill would have raised the minimum age for a district attorney to charge a juvenile as an adult without a court order (known as direct filing), from 14 to 16 years old. It would have disqualified certain crimes from being considered for direct file. The bill would have allowed a youth charged as an adult to petition for the

transfer of his or her case back to juvenile court and permitted adult courts to impose a juvenile sentence.

**Position:** Active Support – Direct file is often used by district attorneys without an impartial and individualized assessment and hearing, to intimidate juveniles into accepting a plea bargain. This bill would have placed limitations on a prosecutor’s ability to direct file youths and allowed a youth the opportunity to demonstrate that he or she, along with the community, would benefit from using the juvenile court system.

**Current Status:** Vetoed by the Governor

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*“As a former prosecutor...I believe HB 1208 would alter a system that has not been shown to be defective.”*

- Governor Bill Ritter Jr.

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## HB 1377: Bail for DUI & Vehicular Eluding

Sponsors: Rep. King & Sen. Penry

This bill, as amended, establishes that when vehicular eluding and DUI charges arise out of the same incident, bail shall be \$50,000. However, the bill allows the court to set bail at a lower amount upon consideration of all relevant factors.

**Position:** Active Oppose—Defendants are denied due process of law when judicial discretion is regulated by fixed bails and set conditions for bail bonds. Judges, rather than legislators, are responsible for guaranteeing fundamental fairness and justice. This bill undermines that

separation of powers by mandating a set bail. Although the final version of this bill allows for judicial consideration of relevant factors, the original intent of the legislation is to fix the conditions of bail and eliminate judicial discretion.

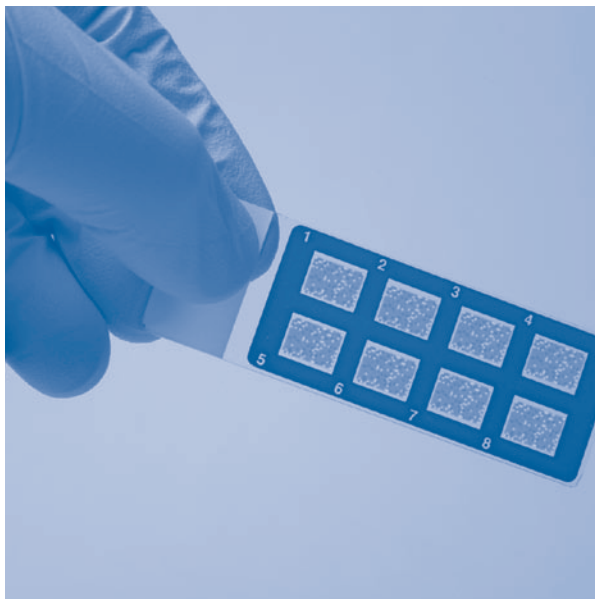
**Current Status:** Signed by the Governor.

## ✓ HB 1397: Disposition of Evidence in Criminal Cases

Sponsored by Reps. Jahn and King & Sens. Kopp and Gordon

This bill requires the preservation of all evidence that may contain DNA that is collected in cases resulting in a conviction for a Class 1 felony or a sex offense. The evidence must be preserved for the life of the defendant, after which the evidence may be destroyed. If charges have not been filed, DNA evidence must be preserved for the length of the investigation.

**Position:** Active Support – Inspired by the cases of Tim Masters and Clarence Moses-EL, this bill requires the police to preserve DNA evidence



in Class 1 felony and sex offense cases for the lifetime of the defendant. In an earlier version of the bill, more evidence was required to be preserved. While the final version of the bill is a weaker version in which only DNA evidence is protected, it is still a step towards ensuring due process of the law and protection against intentional or negligent destruction of evidence.

**Current Status:** Signed by the Governor.

## ✓ SB 066: Felony Murder Penalty for Juveniles

Sponsored by Sen. Williams & Rep. Marshall

Allows a juvenile charged with felony murder as an adult or as a juvenile and who pleads guilty to a Class 2 Felony to be eligible for the Youthful Offender System, provided that the juvenile would have been eligible for YOS for the original offense.

**Position:** Active Support – The ACLU believes that life without parole for juveniles constitutes cruel and unusual punishment, and thus violates the Eighth Amendment of the United States Constitution. Additionally, individuals charged with felony murder are often not directly involved

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*“Through carelessness or by design...crucial DNA fingerprints often disappear on authorities’ watch. Innocent people languish in prison, and criminals walk free.”*

- Susan Greene and  
Miles Moffeit, Denver  
Post Staff Writers

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in the murder itself, and therefore should not automatically be imprisoned for life without parole.

**Current Status:** Signed by the Governor.

## SB 195: Death Penalty for Aggravated Sexual Assault on a Child

Sponsored by Sen. Ward & and Rep. Rice

This bill would have reclassified certain types of sexual assault on a child as a class 1 felony, eligible for the death penalty.

**Position:** Active Oppose – The ACLU has a long history of opposing the death penalty and this bill would have established a precedent for the death penalty as punishment for crimes that do not result in the victim’s death.

**Current Status:** Postponed Indefinitely

## ✓ SB 205: New Trial for Lost or Destroyed DNA Evidence

Sponsored by Sens. Gordon and Mitchell & Reps. King and Jahn

This bill permits courts to grant a hearing to determine whether remedies are warranted in the event that biological evidence subject to a court order for preservation is negligently destroyed or lost.

**Position:** Active Support – The negligent destruction of DNA evidence can ensure that wrongfully convicted defendants will never be exonerated. The original bill would have *required* a court to grant a new trial if negligent or intentional destruction of the sample were proven.

**Current Status:** Signed by the Governor.

## Education

### SB 045: Intellectual Diversity in Higher Education

Sponsored by Sen. Schultheis & Rep. Summers

This bill would have required each state institution of higher education to promote and protect intellectual diversity and submit an annual report to the state Department of Higher Education on the state of the intellectual diversity on campus.

**Position:** Active Oppose – This bill defines intellectual diversity in unacceptably vague terms. Simply put, this bill was an attempt to attack academic freedom in higher education. Bills similar to this one have appeared regularly in legislative sessions over the past few years, and the ACLU continues to oppose attempts to undermine academic freedom.

**Current Status:** Postponed Indefinitely

### ✓ SB 079: In-state Tuition for U.S. Citizens

Sponsored by Sen. Sandoval & Rep. Massey

This bill specifies eligibility criteria for students who are United States citizens to receive in-state tuition. Those eligible include students who have graduated from a Colorado high school and attended a Colorado high school for at least three years. Also eligible are those who have completed the GED program and have resided in Colorado for at least three years.

**Position:** Active Support – This bill removes barriers to students who are citizens of Colorado but whose parents may not be able to prove residency.

**Current Status:** Signed by the Governor.

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## Elections and Voting

*“Since there is no proof illegal immigrants have registered to vote, requiring proof of citizenship would be solving a problem that doesn’t exist.”*

- Sen. John Morse, D-Colorado Springs

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## HB 1039: Photo Identification for Voting

Sponsored by Rep. Summers & Sen. Renfroe

This bill would have required photo identification for voting and revoked various forms of identification that are currently acceptable, including birth certificates, Medicare cards and utility bills.

**Position:** Active Oppose – Voting is a fundamental right. There is no evidence of voter fraud, so instead of preventing fraudulent voting, requiring a photo ID acts as a poll tax. It would have created a disproportional barrier for the elderly, disabled, low-income, and minority voters because they are less likely to have easy access to the documents needed to obtain a government-issued photo identification.

**Current Status:** Postponed Indefinitely

## HB 1177: Citizenship Verification for Voter Registration

Sponsored by Rep. McNulty & Sen. McElhany

This bill would have required proof of citizenship in order to register to vote and to register for provisional ballots.

**Position:** Active Oppose – Similar to HB 1039, this bill would have led to increased and unnecessary voter disfranchisement. It would have created a disproportional barrier for the elderly, disabled, low-income, and minority eligible voters to register since they are less likely to have the needed documents. This bill appears every year in the legislature.

**Current Status:** Postponed Indefinitely

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*“...requiring proof of citizenship would be solving a problem that doesn’t exist.”*

– Sen. John Morse

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## ✓ HB 1329: Updating Voter Registration Lists Inactive Voters

Sponsored by Rep. Marshall & Sen. Gordon

This bill requires the county clerk to inform inactive voters of their inactive status and allows them to request to return to active status. The bill also distinguishes inactive voters who failed to vote in the last general election from voters

whose mail is returned undeliverable. “Inactive-failure to vote” voters will be included in mail ballot elections in 2009.

**Position:** Active Support – The ACLU of Colorado believes in removing as many barriers as possible from the voting process. Because of conditions beyond their control, many voters were unable to vote in 2006 and they may not have been included in mail-in voting. This bill, through the notification postcard, keeps voters informed and participating, and prevents many unnecessarily cancelled registrations.

**Current Status:** Signed by the Governor.

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## Equal Rights

### ✓ SB 200: Expand Prohibitions Against Discrimination

Sponsored by Sen. Veiga & Rep. Judd

This bill amends prohibitions against discrimination to include protections based on sexual orientation. Additionally, this bill adds creed, disability, national origin, ancestry, sex, color, and marital status to various anti-discrimination laws to broaden the scope of protections. Exempts churches, mosques, synagogues, and places principally used for religious purposes from definition of “public accommodations.”

**Position:** Active Support – This bill expands protections against discrimination, thereby granting certain civil rights to groups previously denied them. Since passage of this bill, conservative Christian fundamentalist groups have been stirring up fear about violation of the free exercise of religion. However, these restrictions

against discrimination apply only to those who enter the stream of commerce, with exemption for houses of worship.

**Current Status:** Signed by the Governor.

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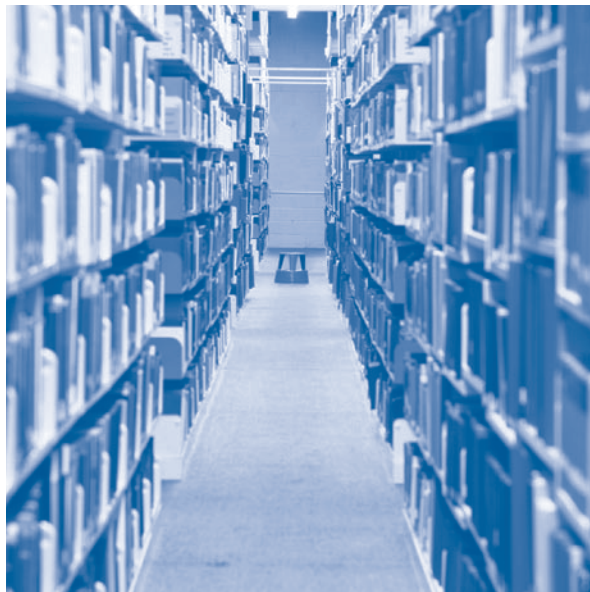
## Government Transparency

### ✓ HB 1076: Fees for Copies of Criminal Justice Records

Sponsored by Rep. Ferrandino & Sen. Gordon

This bill caps the fee for photocopies of criminal justice records at \$0.25 per page. The bill authorizes additional fees for retrieval and redaction costs.

**Position:** Active Support – This bill will end discrepancies among prices for criminal justice records among different agencies by mandating a



cap. This bill compliments legislation passed in 2007 that caps fees on copies of public records, ensuring that public records remain reasonably accessible, and consequently ensuring government openness and accountability.

**Current Status:** Signed by the Governor.

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## Immigration

*“Foreign guestworkers who hold restricted status in the U.S. are vulnerable to workplace abuses...The political powerlessness of the temporary foreign workers in comparison to their employers often results in the U.S. government’s neglect of the promised labor protections and the foreign government’s reluctance to lose the jobs to another needy nation.”*

- *Farmworker Justice*

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### ✓ HB 1325: Seasonal Agricultural Worker Program

Sponsored by Rep. Looer & Sen. Tapia

This bill establishes an agricultural seasonal worker program through agreements between foreign countries, employers, and the Colorado Department of Labor. The program will include requirements such as some standards for employer treatment of workers, notification to DOL if an employee leaves the program, and an employee ID card.

**Position:** Active Oppose – The original bill could have permitted abuse of workers with sections that directly violated U.S. employment law, including withholding 20% of a salary until the employees’ return to their country of origin could be verified. It could have required workers to give their work documents to the employer, thereby granting the employer control over the



worker. While some of the most onerous provisions of the bill were removed, such as retaining 20% of the employee’s salary, the bill still creates an environment that is less supportive of employee rights.

**Current Status:** Signed by the Governor.

### ✓\*HB 1325: Seasonal Agricultural Worker Program, Amendment Restricting Pregnant Women from Program

Amendment to HB 1325 introduced by Sen. Harvey

This amendment attempted to exclude pregnant women from the seasonal agricultural worker program by including a mandatory pregnancy test during the medical screening.

**Position:** Active Oppose – This amendment would have been a discriminatory exclusion of potential employees based not on U.S. employment laws, but on ensuring that the program is not a path to citizenship. The exclusion of

pregnant women was motivated by the fear that non-citizen employees would be able to remain in the country through citizenship of any children born in the U.S.

**Current Status:** This amendment lost in the Senate

## SB 074: Illegal Alien Trespass Crime

Sponsored by Sen. Cadman

This bill would have made it a crime for a person who is a citizen of another country to be in the state of Colorado while in violation of federal immigration law.

**Position:** Active Oppose – The issue of enforcement of immigration law falls under the jurisdiction of the Federal government.

**Current Status:** Postponed Indefinitely

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## Law Enforcement

*“Society is becoming convinced that children are more violent than ever. Heavy media coverage of the rare instances of school violence has played into the public’s worst fears and prompted a law-and-order approach to dealing with children...schools have turned to law enforcement to assist in school disciplinary matters.”*

- Padres y Jovenes Unidos

*“Limited life experience and ignorance of their basic rights can make it difficult for youthful offenders to protect their own interests, and too often, juveniles forgo their rights without realizing that they have done so.”*

- Prisoner’s Rights Project

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## HB 1004: Enforcement of School Attendance Laws

Sponsored by Rep. Todd & Sen. Penry

This bill would have allowed a police officer who believed a minor was truant to take the student into temporary custody for the purpose of returning the student to school authorities.

**Position:** Active Oppose – Truancy is not a crime, nor is it probable cause to search a student. While this bill seems to serve a noble purpose, its effect includes many unintended consequences and is a violation of due process. Beyond the unnecessary stigma created by returning to school in a police vehicle, the increased contact between police and students could result in more criminal charges rather than increased school attendance. Police, for their safety, would have searched the student’s belongings and if contraband were found or if the student ran from the police, then the student would have been arrested.

**Current Status:** Postponed Indefinitely

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*“...schools have turned to law enforcement to assist in school disciplinary matters.”*

- Padres y Jovenes Unidos

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## HB 1023: Possession of Graffiti Tools

Sponsored by Rep. J. Kerr & Sen. Boyd

This bill would have made the possession of graffiti tools a crime.

**Position:** Active Oppose – This bill would have criminalized the possession of a “tool” with the intent to deface property. A graffiti tool was described only in vague and overbroad terms and could have included everything from a permanent marker to a ladder. It equates the capability of performing graffiti with an act of graffiti. It did not require that property had been defaced.

**Current Statue:** Postponed Indefinitely

## HB 1184: Unlicensed Driver Arrest & Impound

Sponsored by Rep. Lambert & Sen. Schultheis

A police officer with probable cause that a person’s driver’s license is forged would have been required to arrest that person. The violation

would have been a misdemeanor and included a mandatory 5 days in jail. The vehicle they were driving would automatically be impounded and not released until it was registered and insured to an owner with proof that he or she was in the country legally. If the vehicle was not claimed in 30 days, it would be deemed abandoned to the city or county.

**Position:** Active Oppose – This bill would have treated persons believed to be undocumented differently than those believed to be citizens. It would have required the arrest and jailing only of those thought to be undocumented. The vehicle would be abandoned to the state or county without compensation to its owner, a violation of due process, if it were not retrieved by a licensed, insured, and documented person.

**Current Status:** Postponed Indefinitely

**UPDATE:** The ACLU of Colorado defeated this bill because it punished people based on their status, confiscated property without paying for it, and encouraged racial and ethnic profiling. Unfortunately, on August 12<sup>th</sup> Denver voters passed an even more egregious ordinance, Initiative 100. We are investigating possible challenges to the new law.

## SB 031: Probable Cause Alcohol Crimes

Sponsored by Sen. Shaffer & Rep. Fischer

This bill would have mandated drug and alcohol testing—without probable cause—if there was death or serious bodily harm in a motor vehicle crash, if the driver had been convicted of a prior drug or alcohol-related offense.

**Position:** Active Oppose – This bill would have denied due process and would have redefined probable cause as relating more to an individual’s driving history than the facts of each individual case.

**Current Status:** Postponed Indefinitely

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## Prisoners’ Rights

### SB 145: Frequency of Jail Inspections

Sponsored by Sen. Kopp & Rep. J. Kerr

This bill requires county commissioners to perform inspections of their respective correctional facilities at least once per year. Previously, jail inspections were to be performed at the county commissioners’ discretion.

**Position:** Passive Support – This bill provides a platform for clarifying issues of prisoner treatment in an organized and timely manner.

**Current Status:** Signed by the Governor

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## Privacy

### HB 1071: Alcohol-Related Driving Offense Notice

Sponsored by Rep. Rose

This bill would have changed the background color of a driver’s license to either green or red for a person who has been convicted of certain alcohol-related driving offenses.

**Position:** Active Oppose – The ACLU of Colorado opposed this measure because a colored license only acts as a stigma for an offender. There is no legitimate law enforcement purpose other than being a “scarlet letter” for public shame and ridicule. It does not increase public safety.

**Current Status:** Postponed Indefinitely

### ✓ HB 1082: Sealing Criminal Justice Records

Sponsored by Rep. Ferrandino & Sen. Bacon

This bill allows a person convicted of drug misdemeanors and petty offenses to request that the courts seal his or her criminal records if he or she has completed the court’s sentence and been offense-free for ten years. If the person is convicted of a new offense, the records will be unsealed.

**Position:** Passive Support – While this bill is a weaker version of a bill vetoed last year, this bill is a step towards ensuring that the lives of ex-offenders are not thwarted by past offenses. The bill gives a judge discretion to deny the request. By sealing their criminal records, ex-offenders are able to put their past behind them.

**Current Status:** Signed by the Governor

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## Reproductive Rights

*“When a hospital is transferred to a Catholic health care company, there is a change in services provided. They no longer provide a variety of basic reproductive health services...emergency contraception for rape victims [is] usually the first to go.”*

– Reproductive Rights Project

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## ✓ HB 1203: Material Change Hospital Transactions

Sponsored by Rep. M. Carroll & Sen. Boyd

This bill defines the term “material change” for purposes of the laws relating to transactions involving licensed hospitals. It allows the Attorney General to consider whether there will likely be reductions in the availability and accessibility of health care services that were available to the community prior to the sale or transfer of ownership.

**Position:** Active Support – This bill is a direct reaction to the sale of two hospitals, Exempla Lutheran and Good Samaritan, to Sisters of Charity of Leavenworth Health System. The Sisters of Charity facilities exclude vasectomies, tubal ligations, abortions, end of life directives, and any other services that conflict with Catholic theology. While the bill had no effect on these specific transactions, it enables the Attorney General to assess any future community impact on transactions between hospitals.

**Current Status:** Signed by the Governor

## ✓\*HB 1203: Material Change for Hospital Transactions, Amendment Restricting Reproductive Rights

Amendment introduced by Sen. Renfroe

This amendment would have prohibited the Attorney General from determining that a hospital transaction would reduce health care based on the new provider’s decision not to provide abortion services.

**Position:** Active Oppose – The ACLU supports access to reproductive health care and a woman’s right to choose. This amendment would have limited women’s access to basic reproductive health care services.

**Current Status:** This amendment was proposed and defeated in the Senate.

## SB 095: Abortion Informed Consent and Ultrasound

Sponsored by Sen. Schultheis & Rep. Lundberg

This bill would have required a physician to inform female patients about their right to have an ultrasound prior to performing an abortion and mandated a 24-hour waiting period. Additionally, this bill would have required a woman to affirm in writing that she had been informed of this right. It would have created criminal penalties for a physician’s failure to inform his or her patient about this right.

**Position:** Active Oppose – This bill would have blocked access to the constitutionally recognized right to have an abortion. Additionally,



this bill would have directly interfered with the relationship between a physician and his or her patient.

**Current Status:** Postponed Indefinitely

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## Workers' Rights

*This type of law “will punish hardworking lawful workers, deny jobs to U.S. citizens and cause discrimination and retaliation against workers who may appear foreign or who assert their workplace rights.”*

– Immigrants' Rights Project

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## SB 083: Fair & Legal Employment Act

Sponsored by Sen. Schultheis & Rep. Lundberg

This bill would have required all nongovernmental employers in the state of Colorado to participate in the federal electronic verification program for purposes of verifying the work eligibility status of all new employees.

**Position:** Active Oppose – The Social Security database against which eligibility would be verified is full of errors—in fact, the Social Security Administration estimates the number of errors at almost 18 million. Because of this, millions of Americans would not be hired through the new E-Verify program. Additionally, employers might consider not hiring minority persons because of concerns about the E-Verify system.

**Current Status:** Postponed Indefinitely

## SB 139: Notify Employers E-Verify Program

Sponsored by Sen. Schultheis & Rep. Lundberg

This bill requires the Colorado Department of Labor to notify employers of the electronic verification system to verify the eligibility of potential employees.

**Position:** Monitor – The ACLU of Colorado monitored this bill to ensure that detrimental amendments were not attached to the bill.

**Current Status:** Signed by the Governor



# House of Representatives Legislative Scorecard

**Key:** [ ✓ = Supports the ACLU position      E = Legislator was excused from voting  
 0 = Opposes the ACLU Position      A = Legislator was absent from voting ]

Representative	District	Party	HB 1076 (p. 7)	HB 1082 (p. 11)	HB 1203 (p. 12)	HB 1208 (p. 3)	HB 1325 (p. 8)	HB 1329 (p. 6)	HB 1397 (p. 4)	SB 066 (p. 4)	SB 079 (p. 5)	SB 200 (p. 7)	SB 205 (p. 5)	2008 Score %
Balmer, David G.	39	R	✓	0	0	0	0	E	✓	0	✓	0	E	27%
Benefield, Debbie	29	D	✓	✓	✓	✓	0	✓	✓	✓	✓	✓	✓	91%
Borodkin, Alice	9	D	✓	✓	✓	✓	0	✓	✓	✓	✓	✓	✓	91%
Bruce, Douglas	15	R	✓	0	0	0	✓	0	✓	0	0	0	✓	36%
Buescher, Bernie	55	D	✓	0	✓	0	0	✓	✓	✓	✓	✓	✓	73%
Butcher, Dorothy B.	46	D	✓	✓	✓	✓	0	✓	✓	✓	✓	✓	✓	91%
Carroll, Morgan	36	D	✓	✓	✓	✓	0	✓	✓	✓	✓	✓	✓	91%
Carroll, Terrance	7	D	✓	✓	✓	✓	0	✓	✓	E	E	✓	✓	73%
Casso, Edward	32	D	✓	✓	✓	0	0	✓	✓	0	✓	✓	✓	73%
Curry, Kathleen	61	D	✓	✓	✓	✓	0	✓	✓	✓	✓	✓	✓	91%
Ferrandino, Mark	2	D	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	100%
Fischer, Randy	53	D	✓	✓	✓	✓	0	✓	✓	✓	✓	✓	✓	91%
Frangas, K. Jerry	4	D	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	100%
Gagliardi, Sara	27	D	✓	✓	✓	0	✓	✓	✓	0	✓	✓	✓	82%
Gallegos, Rafael L.	62	D	E	✓	✓	✓	0	✓	✓	✓	✓	✓	✓	82%
Gardner, Bob	21	R	✓	0	0	0	0	0	✓	✓	✓	0	✓	45%
Gardner, Cory	63	R	✓	0	0	0	✓	0	✓	0	✓	0	✓	45%
Garza-Hicks, Stella	17	R	✓	0	0	0	0	0	✓	✓	✓	0	0	36%
Green, Gwyn	23	D	✓	✓	✓	✓	0	✓	✓	✓	✓	✓	✓	91%
Hodge, Mary	30	D	✓	✓	✓	✓	0	✓	✓	✓	✓	✓	✓	91%
Jahn, Cheri	24	D	✓	0	✓	✓	0	✓	✓	✓	✓	✓	✓	82%
Judd, Joel	5	D	✓	✓	✓	✓	0	✓	✓	✓	✓	✓	✓	91%
Kefalas, John	52	D	✓	✓	✓	✓	0	✓	✓	✓	✓	✓	✓	91%
Kerr, Andrew	26	D	✓	✓	✓	✓	0	✓	✓	✓	✓	✓	✓	91%
Kerr, James E.	28	R	✓	0	0	0	✓	✓	✓	0	✓	0	✓	55%
King, Steve	54	R	✓	0	0	0	✓	✓	✓	✓	✓	0	✓	64%
Labuda, Jeanne	1	D	✓	✓	✓	✓	0	✓	✓	✓	✓	✓	✓	91%
Lambert, Kent	14	R	✓	0	0	0	0	0	✓	0	0	0	0	18%
Levy, Claire	13	D	✓	✓	✓	✓	0	✓	✓	✓	✓	✓	✓	91%
Liston, Larry G.	16	R	✓	0	0	0	0	0	✓	0	✓	0	✓	36%
Looper, Marsha	19	R	✓	0	0	✓	0	0	✓	0	✓	0	✓	45%
Lundberg, Kevin	49	R	✓	0	0	0	0	0	✓	✓	✓	0	✓	45%
Madden, Alice	10	D	✓	✓	✓	✓	0	✓	✓	✓	✓	✓	✓	91%
Marostica, Don	51	R	✓	✓	0	0	✓	✓	✓	✓	✓	0	✓	73%
Marshall, Rosemary	8	D	✓	✓	✓	✓	0	✓	✓	✓	✓	✓	✓	91%

# House of Representatives Legislative Scorecard

**Key:** [ ✓ = Supports the ACLU position  
0 = Opposes the ACLU Position  
E = Legislator was excused from voting  
A = Legislator was absent from voting ]

Representative	District	Party	HB 1076 (p. 7)	HB 1082 (p. 11)	HB 1203 (p. 12)	HB 1208 (p. 3)	HB 1325 (p. 8)	HB 1329 (p. 6)	HB 1397 (p. 4)	SB 066 (p. 4)	SB 079 (p. 5)	SB 200 (p. 7)	SB 205 (p. 5)	2008 Score %
Massey, Tom	60	R	✓	0	0	0	0	✓	✓	✓	✓	0	✓	55%
May, Mike	44	R	✓	0	0	0	✓	✓	✓	0	✓	0	✓	55%
McFadyen, Liane	47	D	✓	✓	✓	✓	0	✓	✓	✓	✓	✓	✓	91%
McGihon, Anne L.	3	D	✓	✓	✓	✓	0	✓	✓	✓	✓	✓	✓	91%
McKinley, Wes	64	D	✓	✓	✓	E	0	✓	✓	✓	✓	E	✓	73%
McNulty, Frank	43	R	✓	0	0	0	✓	0	✓	0	✓	0	✓	45%
Merrifield, Michael	18	D	✓	✓	✓	✓	0	✓	✓	✓	✓	✓	✓	91%
Middleton, Karen	42	D	E	✓	✓	✓	0	✓	✓	✓	✓	✓	✓	82%
Mitchell, Victor	45	R	✓	0	0	0	✓	✓	✓	0	✓	0	✓	55%
Peniston, Cheryl	35	D	✓	✓	✓	✓	0	✓	✓	✓	✓	✓	✓	91%
Pommer, Jack	11	D	✓	✓	✓	✓	0	✓	✓	✓	✓	✓	✓	91%
Primavera, Dianne	33	D	✓	0	✓	0	✓	✓	✓	0	✓	✓	✓	73%
Rice, Joe	38	D	✓	✓	✓	✓	0	✓	✓	✓	✓	✓	✓	91%
Riesberg, Jim	50	D	✓	0	✓	✓	0	✓	✓	✓	✓	✓	✓	82%
Roberts, Ellen	59	R	✓	0	0	0	0	✓	✓	✓	✓	0	✓	55%
Rose, Ray	58	R	0	0	0	0	0	✓	✓	0	✓	0	✓	36%
Scanlan, Christine	56	D	✓	✓	✓	✓	E	✓	✓	✓	✓	✓	✓	91%
Solano, Judy	31	D	✓	✓	✓	✓	0	✓	✓	✓	✓	✓	✓	91%
Sonnenberg, Jerry	65	R	✓	0	E	0	0	0	✓	0	✓	0	✓	36%
Soper, John F.	34	D	✓	0	✓	0	0	✓	✓	✓	✓	0	✓	64%
Stafford, Debbie	40	D	✓	✓	0	✓	0	✓	✓	✓	✓	0	✓	73%
Stephens, Amy	20	R	✓	0	0	0	✓	0	✓	✓	✓	0	✓	55%
Summers, Ken	22	R	✓	0	0	0	✓	0	✓	0	✓	0	0	36%
Swalm, Spence	37	R	✓	0	0	0	0	0	✓	0	✓	0	✓	36%
Todd, Nancy	41	D	✓	✓	✓	✓	0	✓	✓	✓	✓	✓	✓	91%
Vaad, Glenn	48	R	✓	0	0	0	0	0	✓	✓	✓	0	✓	45%
Weissmann, Paul	12	D	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	100%
White, Al	57	R	✓	✓	0	0	0	✓	✓	✓	✓	✓	✓	73%
Witwer, Robert E.	25	R	✓	0	0	0	✓	0	✓	0	✓	0	✓	45%
Romanoff, Andrew (Speaker)	6	D	✓	0	✓	0	✓	✓	✓	0	✓	✓	✓	73%
<b>For</b>			62	36	39	34	17	49	65	45	62	38	61	
<b>Against</b>			1	29	25	30	47	15	0	19	2	26	3	
<b>Excused</b>			2	0	1	1	1	1	0	1	1	1	1	
<b>Absent</b>			0	0	0	0	0	0	0	0	0	0	0	

# senate legislative scorecard

Key: [ ✓ = Supports the ACLU position  
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Representative	District	Party	HB 1076 (p. 7)	HB 1082 (p. 11)	HB 1203 (p. 12)	*HB 1203 (p. 12) Renfroe Amendment	HB 1208 (p. 3)	HB 1325 (p. 8)	*HB 1325 (p. 8) Harvey Amendment	HB 1329 (p. 6)	HB 1397 (p. 4)	SB 066 (p. 4)	SB 079 (p. 5)	SB 200 (p. 7)	SB205 (p. 5)	2008 Score %
Bacon, Bob	14	D	✓	✓	✓	✓	✓	0	✓	✓	✓	✓	✓	✓	✓	92%
Boyd, Betty	21	D	✓	✓	✓	✓	✓	0	E	✓	✓	✓	✓	✓	✓	85%
Brophy, Greg	1	R	✓	0	0	0	0	✓	0	0	✓	0	✓	0	✓	38%
Cadman, Bill L.	10	R	✓	0	E	E	0	✓	0	0	✓	0	0	0	✓	31%
Gibbs, Dan	16	D	✓	✓	✓	✓	0	0	✓	✓	✓	✓	✓	✓	✓	85%
Gordon, Ken	35	D	✓	✓	✓	✓	✓	0	✓	✓	✓	✓	✓	✓	✓	92%
Groff, Peter C. (President)	33	D	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	100%
Hagedorn, Bob	29	D	E	✓	✓	✓	✓	0	E	✓	✓	✓	✓	✓	✓	77%
Harvey, Ted	30	R	✓	✓	0	E	0	✓	0	0	✓	0	✓	0	0	38%
Isgar, Jim	6	D	✓	✓	✓	✓	✓	0	✓	✓	✓	✓	✓	✓	✓	92%
Johnson, Steve	15	R	✓	0	0	E	0	0	0	0	✓	✓	0	0	✓	31%
Keller, Maryanne "Moe"	20	D	✓	✓	✓	✓	✓	0	✓	✓	✓	✓	✓	✓	✓	92%
Kester, Ken	2	R	✓	✓	0	0	0	0	0	0	✓	E	✓	0	✓	38%
Kopp, Mike	22	R	✓	0	0	0	0	✓	0	0	✓	0	0	0	✓	31%
McElhany, Andrew	12	R	E	0	0	0	0	0	0	0	✓	0	✓	0	✓	23%
Mitchell, Shawn	23	R	✓	✓	0	0	E	✓	✓	0	✓	0	✓	0	✓	54%
Morse, John P.	11	D	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	100%
Penry, Joshua	7	R	✓	✓	✓	0	0	✓	✓	0	✓	0	✓	0	✓	62%
Renfroe, Scott W.	13	R	✓	0	0	0	0	✓	0	0	✓	0	✓	0	0	31%
Romer, Chris	32	D	✓	✓	✓	✓	✓	0	✓	✓	✓	✓	✓	✓	✓	92%
Sandoval, Paula E.	34	D	✓	✓	✓	✓	✓	0	✓	✓	✓	✓	✓	✓	✓	92%
Schultheis, David C.	9	R	✓	0	0	0	0	✓	0	0	✓	0	0	0	✓	31%
Schwartz, Gail	5	D	✓	✓	✓	✓	✓	0	✓	✓	✓	✓	✓	✓	✓	92%
Shaffer, Brandon C.	17	D	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	100%
Spence, Nancy	27	R	✓	0	0	0	0	0	✓	0	✓	0	✓	0	0	31%
Takis, Stephanie	25	D	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	100%

# senate legislative scorecard

**Key:** [ ✓ = Supports the ACLU position      E = Legislator was excused from voting  
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Representative	District	Party	HB 1076 (p. 7)	HB 1082 (p. 11)	HB 1203 (p. 12)	*HB 1203 (p. 12) Renfro Amendment	HB 1208 (p. 3)	HB 1325 (p. 8)	*HB 1325 (p. 8) Harvey Amendment	HB 1329 (p. 6)	HB 1397 (p. 4)	SB 066 (p. 4)	SB 079 (p. 5)	SB 200 (p. 7)	SB205 (p. 5)	2008 Score %
Tapia, Abel J.	3	D	✓	✓	✓	✓	✓	0	✓	✓	✓	✓	✓	✓	✓	92%
Taylor, Jack	8	R	✓	✓	0	0	0	0	0	0	✓	✓	✓	0	✓	46%
Tochtrop, Lois	24	D	✓	✓	✓	✓	0	0	✓	0	✓	✓	✓	✓	✓	77%
Tupa, Ron	18	D	✓	✓	E	✓	✓	✓	E	✓	✓	✓	✓	✓	✓	85%
Viega, Jennifer	31	D	✓	✓	✓	✓	✓	0	✓	✓	✓	✓	✓	✓	✓	92%
Ward, Steve	26	R	✓	✓	0	0	0	✓	0	0	✓	0	✓	0	0	38%
Wiens, Tom J.	4	R	✓	0	0	0	0	✓	0	0	✓	0	✓	0	✓	38%
Williams, Suzanne	28	D	✓	✓	✓	✓	✓	0	✓	✓	✓	✓	✓	✓	✓	92%
Windels, Sue	19	D	✓	✓	✓	✓	✓	0	✓	✓	✓	✓	✓	✓	✓	92%
<b>For</b>			33	26	20	20	18	15	20	19	35	22	31	20	31	
<b>Against</b>			0	9	13	12	16	20	12	16	0	12	4	15	4	
<b>Excused</b>			2	0	2	3	1	0	3	0	0	1	0	0	0	
<b>Absent</b>			0	0	0	0	0	0	0	0	0	0	0	0	0	

# Take Action!

## Don't rely on someone else to do it.

Contacting your legislators is one of the most effective ways of ensuring that your views are heard and of encouraging them to take the action you want. To find out who your representatives are, as well as to access their current contact information, please visit the website for Project Vote Smart, [www.vote-smart.org](http://www.vote-smart.org).

## Delivering your Message

To communicate your message effectively you must have some knowledge and passion about the topic. Try to relate the issue to a real person or real situation, that is, speak from the heart. Keep the discussion relevant to the legislator's district or area served, and make sure to ask him or her to get on board and become involved. Be polite.

## Writing Your Elected Representative

Letters and faxes are extremely effective ways of communicating with your elected officials. Your one letter has the impact of 10 or 20 letters, because legislators believe that each letter represents many other constituents who did not take the time to write. Emails are not as effective.

## Meeting with your Elected Representative

From your local city council to your senators in Washington, meeting with your elected officials about civil liberties issues is a lot easier than most people think. Remember, your legislators work for you! You can arrange a meeting to

tell your elected representative what you think about a certain issue or bill, and to try to get him or her to take action on that issue.

State legislators have offices in the Capitol building in Denver, or you can call them using the telephone numbers listed on the next page of this Scorecard. You can also go to the websites provided on page 19 to make contact or for additional information.

## Writing a Letter to the Editor

Letters to the editor are great advocacy tools. After you write letters to your members of the state legislature, sending letters to the editor can achieve other advocacy goals because they can reach a large audience. Elected officials usually monitor them, and you can bring up information not addressed in a news article. Letters to the editor create an impression of widespread support for or opposition to an issue.

For more information on how to get involved, visit our website at [www.aclu-co.org](http://www.aclu-co.org) and visit the legislative section.

## Important!

For alerts and news updates as we plan for the next legislative session and action alerts about legislation during the session, go to our website, [www.aclu-co.org](http://www.aclu-co.org) and click on the button, "Sign Up for Latest News & Updates."

## Tell Your Elected Officials What You Think!

### **Colorado House of Representatives**

House Information (303) 866-2904  
House toll-free (888) 811-7647 (Jan-May)  
[www.leg.state.co.us](http://www.leg.state.co.us)

### **Colorado Senate**

Senate Information (303) 866-2316  
Democratic Senators (303) 865-4865  
Republican Senators (303) 866-4866  
Senate toll-free (888) 473-8136 (Jan-May)  
[www.leg.state.co.us](http://www.leg.state.co.us)

### **General Information on Bills**

(303) 866-3055

### **Capitol Mailing Address**

Colorado State Capitol  
200 East Colfax Avenue  
Denver, CO 80203

### **Governor's Office**

(303) 866-2471  
Fax: (303) 866-2003  
[Governor.Ritter@state.co.us](mailto:Governor.Ritter@state.co.us)

### **Governor's Mailing Address**

Governor Bill Ritter  
200 E. Colfax Avenue  
Room 136  
Denver, CO 80203

### **The Official Site of the State of Colorado**

[www.colorado.gov](http://www.colorado.gov)



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Photo courtesy Jason Manke  
Sunset on Whitehouse Mountain, Sneffles Range Wilderness, Colorado  
October 2005