



# Jim Smallwood

**Senate** District SD-004  
**Republican**

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This legislator voted constitutionally on **67%** of the votes shown below.

★ Pro-liberty      ✗ Anti-liberty      ? Did not Vote      **Vote**

**1. HB23-1278 Virtual "Marriage or Civil Union" Licensing** (passed 25 to 8 on 5/2/2023). Lets a county clerk and recorder issue a "marriage" or "civil union" license without the applicants appearing in person. **No** ★

**2. SB23-629 Taxpayer-Funded Preschool "Bonus Payments"** (passed 28 to 3 on 4/19/2023). Creates "bonus payments" to incentivize participation in the Colorado universal preschool provider program. **No** ★

**3. SB23-254 Limiting "No-Knock" Warrants** (passed 27 to 7 on 4/17/2023). Limits the issuance of a "no-knock search warrant" to a situation in which there is either probable cause for an arrest of a suspect or because of a "credible threat to the life of any person." **No** ✗

**4. HB23-1143 Illegal Aliens as Law Enforcement Officers** (passed 31 to 4 on 4/10/2023). Permits recipients of the Deferred Action for Childhood Arrivals (DACA) program to become law enforcement officers. **Yes** ✗

**5. SB23-189 State-Sponsored Abortion and Sex Mutilation** (passed 22 to 13 on 4/4/2023). Requires certain health benefit plans to cover "abortion care" and "sterilization services," while allowing "contraceptive procedures, supplies, or information" to be offered to minors without parental notification or consent. **No** ★

**6. HJR23-1018 Equal Pay Day** (passed 23 to 11 on 3/15/2023). Designates March 14, 2023, as "Equal Pay Day," due to "the persistent problem of wage disparity" among "women, trans women, gender-expansive people, and women of color." **No** ★



**COLORADO LEGISLATIVE**  
**SCORECARD**  
**BASED ON THE U.S. CONSTITUTION**

## Sen. Jim Smallwood

**Lifetime Score: 82%**

## CO Scorecard 2023

**2023 Regular Session Score 67%**

The Legislative Scorecard is a nationwide educational program of The John Birch Society. Its purpose is to create an informed electorate on how state legislators are voting. The Scorecard is nonpartisan; it does not promote any candidate or political party. Bills are selected for their constitutional implications and cost to the taxpayers.

**Please share this Scorecard in your district to inform people about your legislator's record on key votes.**

U.S. Constitution, Amendment I --- 11 C.F.R. §114(4)(c)(4) --- 616 F.2d 45 (2d Cir. 1980)

The following scorecard lists several key votes in the Colorado General Assembly in 2023 and ranks state representatives and senators based on their fidelity to (U.S.) constitutional and limited-government principles.

This is our second state-level Scorecard; the selected votes may not be reflective of legislators' overall records. Their cumulative scores will change as we add more votes. Please check regularly for updates.



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# Bill Descriptions for the Votes that Affect You

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## 1. Virtual “Marriage or Civil Union” Licensing

HB23-1278 lets a “marriage” or “civil union” license be issued without the applicants appearing in person.

Colorado should protect “marriage,” rather than redefine or degrade it. This bill not only illegitimately recognizes same-sex “civil unions,” but wrongly assumes that “marriage” is to be determined exclusively, even frivolously, by the government. However, “marriage” is a God-ordained institution consisting of a sacred covenant between a man and a woman. It's the foundation of the family and cannot be equated to “civil unions,” which are based on grossly illicit acts of sexual behavior contrary to the “Laws of Nature and of Nature’s God.” There can be no appeal to the “pursuit of Happiness” for anyone separate from the moral sanctions set forth by “their Creator” who grants them with “certain unalienable Rights.” No amount of consecration can make constitutional, much less holy, what is abominable. The state must defend “marriage” and reject “civil unions.”

## 2. Taxpayer-Funded Preschool “Bonus Payments”

SB23-269 creates “bonus payments” to incentivize participation in the Colorado universal preschool provider program.

Education is not the role of government. A child's education is the responsibility of his or her parents. Moreover, this bill’s “bonus payments” scheme threatens educational freedom by using a form of taxpayer-funded bribery to displace traditional private preschools. It exchanges public subsidies for curriculum control, effectively turning all participating preschools into government preschools. Coercing the citizens of Colorado to hand over more of their hard-earned tax dollars to further support a compulsory, state-run, and failing K-12 school system violates their individual liberties assured by U.S. Constitution’s Bill of Rights and 14th Amendment.

## 3. Limiting “No-Knock” Warrants

SB23-254 limits the issuance of a “no-knock search warrant” to a situation in which there is either probable cause for an arrest of a suspect or because of a “credible threat to the life of any person.”

“No-knock” warrants undermine the rights of Americans ensured by the 4th, 5th, and 6th Amendments to the U.S. Constitution. They violate the essential principle that law enforcement should not forcibly enter a premises without first providing notice of their authority and purpose of executing a warrant.

## 4. Illegal Aliens as Law Enforcement Officers

HB23-1143 permits Deferred Action for Childhood Arrivals (DACA) recipients to become law enforcement officers.

Persons who enter the United States illegally—which, by definition, is a crime—should not be permitted sanctuary or residency in Colorado, let alone be considered eligible for appointment as local law enforcement officers. Rather than pursue a blatantly unconstitutional and anti-American policy that erodes both the rule of law and the value of citizenship, the General Assembly should use its powers reserved under the U.S. Constitution’s 10th Amendment to end the crisis of illegal immigration and provide for the public safety.

## 5. State-Sponsored Abortion and Sex Mutilation

SB23-189 requires certain health benefit plans to cover “abortion care” and “sterilization services,” while allowing “contraceptive procedures, supplies, or information” to be offered to minors without parental notification or consent.

The care of human life—not its destruction—is the greatest responsibility of government. Colorado ought to forbid any method of abortion, including “contraceptives” that act as abortifacients, along with the anti-reproductive practice of sex mutilation, which involves “sterilization services.” Both the Declaration of Independence and the U.S. Constitution affirm the fundamental, God-given, and unalienable right to life and limb of every person. Each of the several States has a duty to defend the basic humanity of all its citizens, especially preborn children and minors.

## 6. Equal Pay Day

HJR23-1018 designates March 14, 2023, as “Equal Pay Day,” due to “the persistent problem of wage disparity” among “women, trans women, gender-expansive people, and women of color.”

“Wage disparity,” as it is presented by feminists, LGBTQIA+ activists, and critical race theorists, is a myth. The demands of “equal pay for equal work” suffer from the same poor arguments made by proponents of the minimum wage. People make different career and hiring decisions for a variety of reasons, and some jobs are harder for others to do. Legislation that calls for leveling the “wage gap” in society through implementation of “equal-pay policies” based on “race, ethnicity, and other intersections of identity” is immoral, unconstitutional, and damaging to the economy. It forcibly denies the property rights of both employers and employees by violating their freedom of association, preventing individuals from entering into contracts voluntarily on their own terms. The Bill of Rights and the 14th Amendment were intended to safeguard against undue deprivations of a person’s “property,” guaranteeing “equal protection of the laws” for all Americans.