

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0553.01 Bob Lackner x4350

HOUSE BILL 17-1014

HOUSE SPONSORSHIP

Rosenthal and Williams D.,

SENATE SPONSORSHIP

(None),

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING ELECTION OFFENSES COMMITTED BY A VOTER THAT
102 AFFECT THE CONDUCT OF AN ELECTION, AND, IN CONNECTION
103 THEREWITH, ELIMINATING THE CRIMINAL PENALTY IMPOSED
104 UPON AN ELECTOR FOR DISCLOSING THE CONTENTS OF THE
105 ELECTOR'S BALLOT AND CREATING A NEW CRIMINAL OFFENSE
106 FOR ENGAGING IN VOTE-TRADING.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

For elections conducted under both the "Uniform Election Code

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

of 1992" and the "Municipal Election Code of 1965", an elector who shows his or her ballot after it is prepared for voting in such a way as to reveal its contents, commonly known and referred to as a "ballot selfie", is subject to a criminal misdemeanor penalty.

Section 1 of the bill modifies the ballot selfie prohibition in the "Uniform Election Code of 1965". Specifically, section 1 deletes existing language prohibiting a voter from showing his ballot after it is prepared for voting to any person in such a way as to reveal its contents. Under the bill, any voter may show his completed ballot to any other person. The bill further provides that any voter makes available an image of the voter's own ballot through electronic means after it is prepared for voting is deemed to have consented to the transmittal of that image and such transmitted image is in the public domain. The ability of a voter to exercise such right at a voter service and polling center (VSPC) or at any other location at which votes are being tabulated is subject to the power of a county clerk and recorder to monitor activity at such VSPC or other location, including placing reasonable restrictions on the use of photography in such settings or imposing other restrictions on activity in such settings as the county clerk and recorder finds necessary, to ensure the fair and efficient conduct of elections.

The bill expands the existing restriction prohibiting any person from endeavoring to induce any voter to show how he or she marked his or her ballot to include taking a photograph of any other voter's ballot after it has been prepared for voting.

Section 2 of the bill makes parallel modifications to the "Uniform Election Code of 1992" as section 1 of the bill regarding ballot selfie requirements.

Section 3 of the bill creates a new election offense that makes it unlawful for any person, directly or indirectly, alone or through any other person, to trade a vote or offer to trade a vote with another elector in this state or a person in another state in exchange for the other elector's or person's vote for or against a particular candidate, ballot issue, or ballot question.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 1-13-712, **amend** (1)
3 and (2) as follows:

4 **1-13-712. Disclosing or identifying vote.** (1) (a) ~~Except as~~
5 ~~provided in section 1-7-108, no voter shall show his ballot after it is~~
6 ~~prepared for voting to any person in such a way as to reveal its contents.~~

1 No voter shall place any mark upon his OR HER ballot by means of which
2 it can be identified as the one voted by him OR HER, and no other mark
3 shall be placed on the ballot by any person to identify it after it has been
4 prepared for voting.

5 (b) ANY VOTER MAY SHOW HIS OR HER COMPLETED BALLOT TO
6 ANY OTHER PERSON.

7 (c) ANY VOTER WHO MAKES AVAILABLE AN IMAGE OF THE VOTER'S
8 OWN BALLOT THROUGH ELECTRONIC MEANS AFTER IT IS PREPARED FOR
9 VOTING IS DEEMED TO HAVE CONSENTED TO THE TRANSMITTAL OF THAT
10 IMAGE AND SUCH TRANSMITTED IMAGE IS IN THE PUBLIC DOMAIN.

11 (d) THE ABILITY OF A VOTER TO EXERCISE A RIGHT DESCRIBED IN
12 THIS SUBSECTION (1) AT A VOTER SERVICE AND POLLING CENTER OR AT
13 ANY OTHER LOCATION AT WHICH VOTES ARE BEING TABULATED IS SUBJECT
14 TO THE POWER OF A COUNTY CLERK AND RECORDER TO MONITOR ACTIVITY
15 AT SUCH VOTER SERVICE AND POLLING CENTER OR OTHER LOCATION,
16 INCLUDING PLACING REASONABLE RESTRICTIONS ON THE USE OF
17 PHOTOGRAPHY IN SUCH SETTINGS OR IMPOSING OTHER RESTRICTIONS ON
18 ACTIVITY IN SUCH SETTINGS AS THE COUNTY CLERK AND RECORDER FINDS
19 NECESSARY, TO ENSURE THE FAIR AND EFFICIENT CONDUCT OF ELECTIONS.

20 (2) No person shall endeavor to induce any voter to show how he
21 OR SHE marked his OR HER ballot OR TO TAKE A PHOTOGRAPH OF ANY
22 OTHER VOTER'S BALLOT AFTER IT HAS BEEN PREPARED FOR VOTING.

23 **SECTION 2.** In Colorado Revised Statutes, **amend** 31-10-1517
24 as follows:

25 **31-10-1517. Disclosing or identifying vote.** (1) ~~Except as~~
26 ~~provided in section 31-10-608 or 31-10-609, no voter shall show his~~
27 ~~ballot after it is prepared for voting to any person in such a way as to~~

1 ~~reveal its contents, and~~ No person shall solicit or induce ~~the~~ A voter to ~~do~~
2 ~~so~~ REVEAL HOW HE OR SHE VOTED OR TAKE A PHOTOGRAPH OF ANY OTHER
3 VOTER'S BALLOT AFTER IT HAS BEEN PREPARED FOR VOTING. No voter
4 shall place any mark upon his OR HER ballot by means of which it can be
5 identified as the one voted by him OR HER, and no other mark shall be
6 placed upon the ballot to identify it after it has been prepared for voting.

7 (2) (a) ANY VOTER MAY SHOW HIS OR HER COMPLETED BALLOT TO
8 ANY OTHER PERSON.

9 (b) ANY VOTER WHO MAKES AVAILABLE AN IMAGE OF THE VOTER'S
10 OWN BALLOT THROUGH ELECTRONIC MEANS AFTER IT IS PREPARED FOR
11 VOTING IS DEEMED TO HAVE CONSENTED TO THE TRANSMITTAL OF THAT
12 IMAGE AND SUCH TRANSMITTED IMAGE IS IN THE PUBLIC DOMAIN.

13 (c) THE ABILITY OF A VOTER TO EXERCISE A RIGHT DESCRIBED IN
14 THIS SUBSECTION (2) AT A POLLING PLACE OR AT ANY OTHER LOCATION AT
15 WHICH VOTES ARE BEING TABULATED IS SUBJECT TO THE POWER OF THE
16 CLERK TO PROPERLY MONITOR ACTIVITY AT SUCH POLLING PLACE OR
17 OTHER LOCATION, INCLUDING PLACING REASONABLE RESTRICTIONS ON
18 THE USE OF PHOTOGRAPHY IN SUCH SETTINGS OR IMPOSING OTHER
19 RESTRICTIONS ON ACTIVITY IN SUCH SETTINGS AS THE CLERK FINDS
20 NECESSARY, TO ENSURE THE FAIR AND EFFICIENT CONDUCT OF ELECTIONS.

21 (3) Any person violating ~~the provisions of~~ SUBSECTION (1) OF this
22 section commits a misdemeanor and, upon conviction thereof, shall be
23 punished as provided in section 31-10-1504.

24 **SECTION 3.** In Colorado Revised Statutes, 1-13-720, **amend** (1)
25 introductory portion; and **add** (1)(d) as follows:

26 **1-13-720. Unlawfully giving or promising money or**
27 **employment - trading or offering to trade a vote.** (1) It is unlawful for

1 any person, directly or indirectly, ~~by himself~~ ALONE or through any other
2 person:

3 (d) TO TRADE A VOTE OR OFFER TO TRADE A VOTE WITH ANOTHER
4 ELECTOR IN THIS STATE OR A PERSON IN ANOTHER STATE IN EXCHANGE FOR
5 THE OTHER ELECTOR'S OR PERSON'S VOTE FOR OR AGAINST A PARTICULAR
6 CANDIDATE, BALLOT ISSUE, OR BALLOT QUESTION.

7 **SECTION 4. Act subject to petition - effective date -**
8 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
9 the expiration of the ninety-day period after final adjournment of the
10 general assembly (August 9, 2017, if adjournment sine die is on May 10,
11 2017); except that, if a referendum petition is filed pursuant to section 1
12 (3) of article V of the state constitution against this act or an item, section,
13 or part of this act within such period, then the act, item, section, or part
14 will not take effect unless approved by the people at the general election
15 to be held in November 2018 and, in such case, will take effect on the
16 date of the official declaration of the vote thereon by the governor.

17 (2) This act applies to elections conducted on or after the
18 applicable effective date of this act.