

CHAPTER 42

ELECTIONS

HOUSE BILL 17-1014

BY REPRESENTATIVE(S) Rosenthal and Williams D., Becker K., Beckman, Benavidez, Bridges, Buckner, Esgar, Garnett, Ginal, Hansen, Herod, Hooton, Humphrey, Jackson, Kennedy, Kraft-Tharp, Lebsock, Liston, Lundeen, McKean, McLachlan, Michaelson Jenet, Mitsch Bush, Pabon, Saine, Salazar, Singer, Valdez, Weissman, Winter, Duran; also SENATOR(S) Hill and Donovan, Baumgardner, Cooke, Crowder, Garcia, Gardner, Guzman, Moreno, Neville T., Sonnenberg, Grantham.

AN ACT

CONCERNING THE ELIMINATION OF THE CRIMINAL PENALTY IMPOSED UPON AN ELECTOR FOR DISCLOSING THE CONTENTS OF THE ELECTOR'S VOTED BALLOT.

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

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

1-13-712. Disclosing or identifying vote. (1) (a) ~~Except as provided in section 1-7-108, no voter shall show his ballot after it is prepared for voting to any person in such a way as to reveal its contents.~~ No voter shall place any mark upon his OR HER ballot by means of which it can be identified as the one voted by him OR HER, and no other mark shall be placed on the ballot by any person to identify it after it has been prepared for voting.

(b) ANY VOTER MAY SHOW HIS OR HER VOTED BALLOT TO ANY OTHER PERSON AS LONG AS THE DISCLOSURE IS NOT UNDERTAKEN IN FURTHERANCE OF ANY ELECTION VIOLATION PROSCRIBED IN THIS ARTICLE 13.

(c) ANY VOTER WHO 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.

(d) THE ABILITY OF A VOTER TO DISCLOSE HIS OR HER VOTED BALLOT AS DESCRIBED IN THIS SUBSECTION (1) AT A VOTER SERVICE AND POLLING CENTER 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

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

VOTER SERVICE AND POLLING CENTER 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.

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

31-10-1517. Disclosing or identifying vote. (1) ~~Except as provided in section 31-10-608 or 31-10-609, no voter shall show his ballot after it is prepared for voting to any person in such a way as to reveal its contents, and~~ No person shall solicit or induce ~~the~~ a voter to ~~do so~~ REVEAL HOW HE OR SHE VOTED. No voter shall place any mark upon his OR HER ballot by means of which it can be identified as the one voted by him OR HER, and no other mark shall be placed upon the ballot to identify it after it has been prepared for voting.

(2)(a) ANY VOTER MAY SHOW HIS OR HER VOTED BALLOT TO ANY OTHER PERSON AS LONG AS THE DISCLOSURE IS NOT UNDERTAKEN IN FURTHERANCE OF ANY ELECTION VIOLATION PROSCRIBED IN THIS PART 15.

(b) ANY VOTER WHO 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.

(c) THE ABILITY OF A VOTER TO DISCLOSE HIS OR HER VOTED BALLOT AS DESCRIBED IN THIS SUBSECTION (2) AT A POLLING PLACE OR AT ANY OTHER LOCATION AT WHICH VOTES ARE BEING TABULATED IS SUBJECT TO THE POWER OF THE CLERK TO PROPERLY MONITOR ACTIVITY AT SUCH POLLING PLACE 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 CLERK FINDS NECESSARY, TO ENSURE THE FAIR AND EFFICIENT CONDUCT OF ELECTIONS.

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

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

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

Approved: March 16, 2017