

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0155.01 Megan Waples x4348

HOUSE BILL 22-1273

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HOUSE SPONSORSHIP

Duran and Sirota,

SENATE SPONSORSHIP

Fenberg and Pettersen,

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House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING PROTECTIONS FOR ELECTION OFFICIALS.

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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>.)*

The bill makes it unlawful for a person to threaten, coerce, or intimidate, or attempt to threaten, coerce, or intimidate, an election official with the intent to interfere with the performance of the official's duties or with the intent to retaliate against the official for the performance of the official's duties. The prohibition does not apply to an enforcement action taken by the secretary of state to enforce state election laws.

The bill also prohibits a person from making the personal

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

information of an election official or an election official's immediate family publicly available on the internet if the person knows or reasonably should know that doing so will pose an imminent and serious threat to the election official or the election official's immediate family. There is a presumption that dissemination of the personal information of an election official or the election official's immediate family poses an imminent and serious threat if a federal, state, or local law enforcement agency has issued a safety warning or advisory that applies to the election official. For the purposes of this restriction, "election official" is defined to include a county clerk and recorder, a municipal clerk, an election judge, a member of a canvassing board, a member of a board of county commissioners, a member or secretary of a board of directors authorized to conduct public elections, a representative of a governing body, or any other person contracted for or engaged in the performance of election duties.

An election worker may file a request with a state or local official to remove personal information from records that the official makes available on the internet. The request must include an affirmation under penalty of perjury that the election worker has reason to believe that the dissemination of the election worker's personal information on the internet poses an imminent and serious threat to the safety of the election worker. After receiving a request from an election worker, the state or local official is also required to deny access to the personal information in response to a request for records under the "Colorado Open Records Act"; except that certain individuals may access records maintained by a county recorder, county assessor, or county treasurer if such access is related to a real estate matter. For purposes of this protection, "election worker" is defined to include a county clerk and recorder, county election staff, a municipal clerk, municipal election staff, the secretary of state, and the secretary of state's election staff but does not include an election judge or a temporary employee.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend as it will**  
3 **become effective March 1, 2022**, 1-13-701 as follows:

4 **1-13-701. Interference with election official - intimidation or**  
5 **retaliation against election official.** (1) ~~Any person who~~, At any  
6 election provided by law, ~~interferes~~ IT IS UNLAWFUL FOR ANY PERSON TO  
7 INTERFERE in any manner with any election official in the discharge of the

1 election official's duty or ~~who induces~~ TO INDUCE any election official to  
2 violate or refuse to comply with the election official's duty or any law  
3 regulating the same. ~~upon conviction shall be punished as provided in~~  
4 ~~section 1-13-111.~~

5 (2) IT IS UNLAWFUL FOR ANY PERSON, WHETHER VERBALLY, IN  
6 WRITING, OR IN PERSON, TO THREATEN, COERCE, OR INTIMIDATE, OR  
7 ATTEMPT TO THREATEN, COERCE, OR INTIMIDATE, AN ELECTION OFFICIAL  
8 WITH THE INTENT TO IMPEDE OR INTERFERE WITH THE OFFICIAL WHILE THE  
9 OFFICIAL IS ENGAGED IN THE PERFORMANCE OF THE OFFICIAL'S DUTIES OR  
10 WITH THE INTENT TO RETALIATE AGAINST THE OFFICIAL ON ACCOUNT OF  
11 THE OFFICIAL'S PERFORMANCE OF THE OFFICIAL'S DUTIES. THIS  
12 SUBSECTION (2) APPLIES TO ANY FORM OF THREATENING, COERCIVE, OR  
13 INTIMIDATING CONDUCT OR STATEMENTS, WHETHER MADE ORALLY OR IN  
14 WRITING.

15 (3) THIS SECTION DOES NOT APPLY TO AN ENFORCEMENT ACTION  
16 TAKEN PURSUANT TO SECTION 1-1-107 OR 1-1.5-104.

17 (4) UPON CONVICTION, A PERSON WHO VIOLATES THIS SECTION  
18 SHALL BE PUNISHED AS PROVIDED IN SECTION 1-13-111.

19 **SECTION 2.** In Colorado Revised Statutes, **add** 18-9-313.5 as  
20 follows:

21 **18-9-313.5. Personal information on the internet - election**  
22 **officials - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE  
23 CONTEXT OTHERWISE REQUIRES:

24 (a) "ELECTION DUTIES" MEANS ACTIVITIES REQUIRED OR  
25 AUTHORIZED BY LAW TO CONDUCT PUBLIC ELECTIONS PURSUANT TO THE  
26 "UNIFORM ELECTION CODE OF 1992", ARTICLES 1 TO 13 OF TITLE 1; THE  
27 "COLORADO LOCAL GOVERNMENT ELECTION CODE", ARTICLE 13.5 OF

1 TITLE 1; THE "COLORADO MUNICIPAL ELECTION CODE OF 1965", ARTICLE  
2 10 OF TITLE 31; OR PARTS 8 AND 9 OF ARTICLE 1 OF TITLE 32.

3 (b) "ELECTION OFFICIAL" MEANS A COUNTY CLERK AND RECORDER,  
4 A MUNICIPAL CLERK, AN ELECTION JUDGE, A MEMBER OF A CANVASSING  
5 BOARD, A MEMBER OF A BOARD OF COUNTY COMMISSIONERS, A MEMBER  
6 OR SECRETARY OF A BOARD OF DIRECTORS AUTHORIZED TO CONDUCT  
7 PUBLIC ELECTIONS, A REPRESENTATIVE OF A GOVERNING BODY, OR ANY  
8 OTHER PERSON CONTRACTING FOR OR ENGAGED IN THE PERFORMANCE OF  
9 ELECTION DUTIES. "ELECTION OFFICIAL" INCLUDES ANY PERSON WHO IS AN  
10 ELECTION WORKER.

11 (c) "ELECTION WORKER" MEANS A COUNTY CLERK AND RECORDER,  
12 A PERSON CURRENTLY EMPLOYED BY A COUNTY TO PERFORM ELECTION  
13 DUTIES, A MUNICIPAL CLERK, A PERSON CURRENTLY EMPLOYED BY A  
14 MUNICIPAL GOVERNMENT TO PERFORM ELECTION DUTIES, THE SECRETARY  
15 OF STATE, AND A PERSON CURRENTLY EMPLOYED BY THE SECRETARY OF  
16 STATE TO PERFORM ELECTION DUTIES. "ELECTION WORKER" DOES NOT  
17 INCLUDE AN ELECTION JUDGE OR A TEMPORARY EMPLOYEE OF A COUNTY,  
18 MUNICIPAL GOVERNMENT, OR THE SECRETARY OF STATE.

19 (d) "IMMEDIATE FAMILY" MEANS:

20 (I) AN ELECTION OFFICIAL'S SPOUSE, CHILD, OR PARENT; OR

21 (II) ANY OTHER PERSON WHO LIVES IN THE SAME RESIDENCE AS  
22 THE ELECTION OFFICIAL.

23 (e) "PERSONAL INFORMATION" MEANS A PERSON'S HOME ADDRESS,  
24 HOME TELEPHONE NUMBER, PERSONAL MOBILE TELEPHONE NUMBER,  
25 PAGER NUMBER, OR PERSONAL E-MAIL ADDRESS; A PHOTOGRAPH OF A  
26 PERSON; DIRECTIONS TO A PERSON'S HOME; OR A PHOTOGRAPH OR  
27 DESCRIPTION OF A PERSON'S HOME, VEHICLE, OR VEHICLE LICENSE PLATE.

1 (f) "SETTLEMENT SERVICE" MEANS A SERVICE LISTED IN SECTION  
2 10-11-102 (6.7)(a) TO (6.7)(f).

3 (g) "TITLE INSURANCE AGENCY" HAS THE SAME MEANING AS SET  
4 FORTH IN SECTION 10-11-102 (8.5).

5 (h) "TITLE INSURANCE COMPANY" HAS THE SAME MEANING AS SET  
6 FORTH IN SECTION 10-11-102 (10).

7 (2) (a) IT IS UNLAWFUL FOR A PERSON TO KNOWINGLY MAKE  
8 AVAILABLE ON THE INTERNET PERSONAL INFORMATION ABOUT AN  
9 ELECTION OFFICIAL OR AN ELECTION OFFICIAL'S IMMEDIATE FAMILY IF THE  
10 DISSEMINATION OF PERSONAL INFORMATION POSES AN IMMINENT AND  
11 SERIOUS THREAT TO THE SAFETY OF THE ELECTION OFFICIAL OR THE  
12 ELECTION OFFICIAL'S IMMEDIATE FAMILY AND THE PERSON MAKING THE  
13 INFORMATION AVAILABLE ON THE INTERNET KNOWS OR REASONABLY  
14 SHOULD KNOW OF THE IMMINENT AND SERIOUS THREAT.

15 (b) FOR THE PURPOSES OF THIS SUBSECTION (2), A PRESUMPTION  
16 IS CREATED THAT THE DISSEMINATION OF THE PERSONAL INFORMATION OF  
17 AN ELECTION OFFICIAL OR AN ELECTION OFFICIAL'S IMMEDIATE FAMILY  
18 POSES AN IMMINENT AND SERIOUS THREAT TO THE SAFETY OF THE  
19 ELECTION OFFICIAL OR THE ELECTION OFFICIAL'S IMMEDIATE FAMILY IF A  
20 FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT AGENCY HAS ISSUED A  
21 SAFETY ADVISORY OR WARNING FOR ELECTION OFFICIALS THAT IS IN  
22 EFFECT AND APPLIES TO THE ELECTION OFFICIAL.

23 (c) A VIOLATION OF THIS SUBSECTION (2) IS A CLASS 1  
24 MISDEMEANOR.

25 (3) (a) AN ELECTION WORKER MAY SUBMIT A WRITTEN REQUEST  
26 PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION TO A STATE OR LOCAL  
27 GOVERNMENT OFFICIAL TO REMOVE THE ELECTION WORKER'S PERSONAL

1 INFORMATION FROM RECORDS THAT ARE AVAILABLE ON THE INTERNET. IF  
2 A STATE OR LOCAL GOVERNMENT OFFICIAL RECEIVES THE WRITTEN  
3 REQUEST, THEN THE STATE OR LOCAL GOVERNMENT OFFICIAL SHALL NOT  
4 KNOWINGLY MAKE AVAILABLE ON THE INTERNET PERSONAL INFORMATION  
5 ABOUT THE ELECTION WORKER.

6 (b) AN ELECTION WORKER'S WRITTEN REQUEST TO A STATE OR  
7 LOCAL GOVERNMENT OFFICIAL TO REMOVE PERSONAL INFORMATION FROM  
8 RECORDS THAT THE OFFICIAL MAKES AVAILABLE ON THE INTERNET MUST  
9 INCLUDE:

10 (I) EVIDENCE THAT THE PERSON SUBMITTING THE REQUEST IS AN  
11 ELECTION WORKER; AND

12 (II) AN AFFIRMATION STATING UNDER PENALTY OF PERJURY THAT  
13 THE ELECTION WORKER SUBMITTING THE REQUEST HAS REASON TO  
14 BELIEVE THAT THE DISSEMINATION OF THE PERSONAL INFORMATION  
15 CONTAINED IN THE RECORDS THAT THE OFFICIAL MAKES AVAILABLE ON  
16 THE INTERNET POSES AN IMMINENT AND SERIOUS THREAT TO THE SAFETY  
17 OF THE ELECTION WORKER.

18 (c) THIS SUBSECTION (3) DOES NOT PROHIBIT ANY PARTY TO THE  
19 RECORD, SETTLEMENT SERVICE, TITLE INSURANCE COMPANY, TITLE  
20 INSURANCE AGENCY, OR ATTORNEY LICENSED AND IN GOOD STANDING IN  
21 THE STATE OF COLORADO TO PRACTICE LAW FROM ACCESSING RECORDS  
22 MAINTAINED BY THE COUNTY RECORDER, COUNTY ASSESSOR, OR COUNTY  
23 TREASURER IF THE ACCESS IS RELATED TO A REAL ESTATE MATTER. EACH  
24 COUNTY RECORDER, COUNTY ASSESSOR, OR COUNTY TREASURER SHALL  
25 GRANT ACCESS TO THE RECORDS BASED ON ITS SPECIFIC PROCESSES.  
26 ACCESS TO RECORDS PURSUANT TO THIS SUBSECTION (3) IS NOT A  
27 REQUIREMENT TO CREATE A PROCESS THAT DOES NOT ALREADY EXIST FOR

1 A COUNTY RECORDER, COUNTY ASSESSOR, OR COUNTY TREASURER. EACH  
2 COUNTY RECORDER, COUNTY ASSESSOR, OR COUNTY TREASURER MAY  
3 ASSESS ADMINISTRATIVE COSTS RELATED TO GRANTING ACCESS TO THE  
4 PERSON OR ENTITY REQUESTING THE RECORDS.

5 **SECTION 3.** In Colorado Revised Statutes, 24-72-204, **amend**  
6 (3)(a)(XXII) as follows:

7 **24-72-204. Allowance or denial of inspection - grounds -**  
8 **procedure - appeal - definitions - repeal.** (3) (a) The custodian shall  
9 deny the right of inspection of the following records, unless otherwise  
10 provided by law; except that the custodian shall make any of the  
11 following records, other than letters of reference concerning employment,  
12 licensing, or issuance of permits, available to the person in interest in  
13 accordance with this subsection (3):

14 (XXII) Personal information, as defined in section 18-9-313  
15 (1)(e), in a record for which the custodian has received a request under  
16 section 18-9-313, AND PERSONAL INFORMATION, AS DEFINED IN SECTION  
17 18-9-313.5 (1)(e), IN A RECORD FOR WHICH THE CUSTODIAN HAS RECEIVED  
18 A REQUEST UNDER SECTION 18-9-313.5 (3), UNLESS ACCESS TO THE  
19 INFORMATION IS AUTHORIZED BY SECTION 18-9-313.5 (3)(c);

20 **SECTION 4. Applicability.** This act applies to offenses  
21 committed on or after the effective date of this act.

22 **SECTION 5. Safety clause.** The general assembly hereby finds,  
23 determines, and declares that this act is necessary for the immediate  
24 preservation of the public peace, health, or safety.