

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0155.01 Megan Waples x4348

HOUSE BILL 22-1273

HOUSE SPONSORSHIP

Duran and Sirota,

SENATE SPONSORSHIP

Fenberg and Pettersen,

House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PROTECTIONS FOR ELECTION OFFICIALS.**

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.

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 AN
7 ELECTION OFFICIAL WITH THE INTENT TO:

8 (a) IMPEDE OR INTERFERE WITH THE OFFICIAL WHILE THE OFFICIAL
9 IS ENGAGED IN THE PERFORMANCE OF THE OFFICIAL'S DUTIES; OR

10 (b) RETALIATE AGAINST THE OFFICIAL ON ACCOUNT OF THE
11 OFFICIAL'S PERFORMANCE OF THE OFFICIAL'S DUTIES.

12 (3) THIS SECTION DOES NOT APPLY TO AN ENFORCEMENT ACTION
13 TAKEN PURSUANT TO SECTION 1-1-107 OR 1-1.5-104 OR TO AN
14 ENFORCEMENT ACTION TAKEN BY A DESIGNATED ELECTION OFFICIAL
15 AGAINST AN ELECTION JUDGE FOR A VIOLATION OF A STATUTE, A RULE
16 PROMULGATED BY THE SECRETARY OF STATE, OR THE ELECTION JUDGE'S
17 OATH.

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

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

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

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

1 "COLORADO LOCAL GOVERNMENT ELECTION CODE", ARTICLE 13.5 OF
2 TITLE 1; THE "COLORADO MUNICIPAL ELECTION CODE OF 1965", ARTICLE
3 10 OF TITLE 31; OR PARTS 8 AND 9 OF ARTICLE 1 OF TITLE 32.

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

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

20 (d) "EXEMPT PARTY" MEANS ANY PARTY TO THE RECORD, A
21 SETTLEMENT SERVICE, A TITLE INSURANCE COMPANY, A TITLE INSURANCE
22 AGENCY, A MORTGAGE SERVICER OR A MORTGAGE SERVICER'S QUALIFIED
23 AGENT, OR AN ATTORNEY LICENSED AND IN GOOD STANDING IN THE STATE
24 OF COLORADO TO PRACTICE LAW AND WHO IS ENGAGED IN A REAL ESTATE
25 MATTER.

26 (e) "IMMEDIATE FAMILY" MEANS:

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

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

3 (f) "MORTGAGE SERVICER" HAS THE SAME MEANING AS SET FORTH
4 IN SECTION 5-21-103 (4).


5 (g) "PERSONAL INFORMATION" MEANS A PERSON'S HOME ADDRESS,
6 HOME TELEPHONE NUMBER, PERSONAL MOBILE TELEPHONE NUMBER,
7 PAGER NUMBER, OR PERSONAL E-MAIL ADDRESS; A PHOTOGRAPH OF A
8 PERSON; DIRECTIONS TO A PERSON'S HOME; OR A PHOTOGRAPH OR
9 DESCRIPTION OF A PERSON'S HOME, VEHICLE, OR VEHICLE LICENSE PLATE.

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

12 (i) "TITLE INSURANCE AGENCY" HAS THE SAME MEANING AS SET
13 FORTH IN SECTION 10-11-102 (8.5).

14 (j) "TITLE INSURANCE COMPANY" HAS THE SAME MEANING AS SET
15 FORTH IN SECTION 10-11-102 (10).

16 (2) (a) IT IS UNLAWFUL FOR A PERSON TO KNOWINGLY MAKE
17 AVAILABLE ON THE INTERNET PERSONAL INFORMATION ABOUT AN
18 ELECTION OFFICIAL OR AN ELECTION OFFICIAL'S IMMEDIATE FAMILY IF THE
19 DISSEMINATION OF PERSONAL INFORMATION POSES AN IMMINENT AND
20 SERIOUS THREAT TO THE SAFETY OF THE ELECTION OFFICIAL OR THE
21 ELECTION OFFICIAL'S IMMEDIATE FAMILY AND THE PERSON MAKING THE
22 INFORMATION AVAILABLE ON THE INTERNET KNOWS OR REASONABLY
23 SHOULD KNOW OF THE IMMINENT AND SERIOUS THREAT.

24 
25 (b) A VIOLATION OF THIS SUBSECTION (2) IS A CLASS 1
26 MISDEMEANOR.

27 (3) (a) AN ELECTION WORKER MAY SUBMIT A WRITTEN REQUEST

1 PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION TO A STATE OR LOCAL
2 GOVERNMENT OFFICIAL TO REMOVE THE ELECTION WORKER'S PERSONAL
3 INFORMATION FROM RECORDS THAT ARE AVAILABLE ON THE INTERNET. IF
4 A STATE OR LOCAL GOVERNMENT OFFICIAL RECEIVES THE WRITTEN
5 REQUEST, THEN THE STATE OR LOCAL GOVERNMENT OFFICIAL SHALL NOT
6 KNOWINGLY MAKE AVAILABLE ON THE INTERNET PERSONAL INFORMATION
7 ABOUT THE ELECTION WORKER.

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

- 12 (I) THE ELECTION WORKER'S FULL NAME AND HOME ADDRESS;
- 13 (II) EVIDENCE THAT THE PERSON SUBMITTING THE REQUEST IS AN
14 ELECTION WORKER; AND
- 15 (III) AN AFFIRMATION STATING UNDER PENALTY OF PERJURY THAT
16 THE ELECTION WORKER SUBMITTING THE REQUEST HAS REASON TO
17 BELIEVE THAT THE DISSEMINATION OF THE PERSONAL INFORMATION
18 CONTAINED IN THE RECORDS THAT THE OFFICIAL MAKES AVAILABLE ON
19 THE INTERNET POSES AN IMMINENT AND SERIOUS THREAT TO THE SAFETY
20 OF THE ELECTION WORKER.

21 (c) AN EXEMPT PARTY MAY ACCESS A RECORD THAT INCLUDES
22 INFORMATION OTHERWISE SUBJECT TO REDACTION PURSUANT TO
23 SUBSECTION (3)(b) OF THIS SECTION AND THAT IS MAINTAINED BY THE
24 COUNTY RECORDER, COUNTY ASSESSOR, OR COUNTY TREASURER IF THE
25 PERSON SEEKING ACCESS TO THE RECORD PROVIDES EVIDENCE AND AN
26 AFFIRMATION UNDER PENALTY OF PERJURY THAT THEY ARE AN EXEMPT
27 PARTY.

1 (d) EACH COUNTY RECORDER, COUNTY ASSESSOR, OR COUNTY
2 TREASURER SHALL GRANT AN EXEMPT PARTY ACCESS TO THE RECORD
3 BASED ON ITS EXISTING PROCESSES OR SHALL ADOPT A PROCESS TO GRANT
4 ACCESS IF ONE IS NOT ALREADY IN PLACE. EACH COUNTY RECORDER,
5 COUNTY ASSESSOR, OR COUNTY TREASURER MAY ASSESS ADMINISTRATIVE
6 COSTS RELATED TO GRANTING ACCESS TO THE EXEMPT PARTY REQUESTING
7 THE RECORD.

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

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

17 (XXII) Personal information, as defined in section 18-9-313
18 (1)(e), in a record for which the custodian has received a request under
19 section 18-9-313, AND PERSONAL INFORMATION, AS DEFINED IN SECTION
20 18-9-313.5 (1)(e), IN A RECORD FOR WHICH THE CUSTODIAN HAS RECEIVED
21 A REQUEST UNDER SECTION 18-9-313.5 (3), UNLESS ACCESS TO THE
22 INFORMATION IS AUTHORIZED BY SECTION 18-9-313.5 (3)(c);

23 SECTION 4. Applicability. This act applies to offenses
24 committed on or after the effective date of this act.

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