

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

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 22-0155.01 Megan Waples x4348

**HOUSE BILL 22-1273**

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**House 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.*

SENATE  
3rd Reading Unamended  
April 22, 2022

SENATE  
2nd Reading Unamended  
April 21, 2022

HOUSE  
3rd Reading Unamended  
April 11, 2022

HOUSE  
Amended 2nd Reading  
April 8, 2022

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 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.