

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0830.02 Jed Franklin x5484

HOUSE BILL 24-1150

HOUSE SPONSORSHIP

Garcia and Parenti,

SENATE SPONSORSHIP

Hinrichsen,

House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING FALSE SLATES OF PRESIDENTIAL ELECTORS.

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>.)

Current law does not explicitly punish an individual who falsely creates a slate of presidential electors or serves in a false slate of presidential electors. The bill creates 3 new crimes pertaining to false slates of electors that make it unlawful for an individual to:

- Create a false slate of electors;
- Serve as an elector in a false slate of electors; or
- Conspire to create or serve in a false slate of electors.

The bill also provides that a person commits the crime of perjury

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

if the person is not a presidential elector and knowingly and falsely swears or attests to the oath required by law for presidential electors.

Each crime is a class 1 misdemeanor punishable by no more than 364 days in prison, a fine of not more than \$1000, and restitution to the district attorney or the attorney general for the costs of investigating the crime. In addition, a defendant who is convicted of the crime of perjury for knowingly and falsely swearing or attesting to the oath required by law for presidential electors is disqualified, as required by the state constitution, from being a member of the general assembly and from holding any office of trust or profit in the state.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 1-13-725 as
3 follows:

4 **1-13-725. False slate of presidential electors - penalties.**

5 (1) (a) A PERSON WHO KNOWINGLY ENTERS INTO A AGREEMENT,
6 INCLUDING A WRITTEN AGREEMENT, ORAL AGREEMENT, OR AGREEMENT
7 USING ELECTRONIC COMMUNICATIONS, WITH ONE OR MORE INDIVIDUALS
8 TO CREATE A FALSE SLATE OF PRESIDENTIAL ELECTORS OR TO SERVE IN A
9 FALSE SLATE OF PRESIDENTIAL ELECTORS COMMITS CONSPIRING TO
10 CREATE OR SERVE IN A FALSE SLATE OF PRESIDENTIAL ELECTORS.

11 (b) A PERSON WHO KNOWINGLY SIGNS, FILES, TRANSMITS, OR
12 RECORDS WITH THE SECRETARY OF STATE, THE ARCHIVIST OF THE UNITED
13 STATES, THE PRESIDENT OF THE UNITED STATES SENATE, THE UNITED
14 STATES CONGRESS, OR A COLORADO FEDERAL DISTRICT COURT JUDGE A
15 LIST OF PRESIDENTIAL ELECTORS WHO VOTED FOR CANDIDATES FOR
16 PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES WHO DID NOT
17 RECEIVE THE HIGHEST NUMBER OF VOTES IN THE STATE AT A GENERAL
18 ELECTION AT WHICH THE OFFICES OF PRESIDENT AND VICE PRESIDENT OF
19 THE UNITED STATES WERE CONTESTED COMMITS CREATING A FALSE SLATE
20 OF PRESIDENTIAL ELECTORS. IF THE INTERSTATE COMPACT, "AGREEMENT

1 AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL POPULAR
2 VOTE", DESCRIBED IN PART 40 OF ARTICLE 60 OF TITLE 24 IS IN EFFECT
3 AND THE STATE'S ELECTORAL VOTES ARE AWARDED TO THE WINNER OF
4 THE NATIONAL POPULAR VOTE, THE PROVISIONS OF THIS SUBSECTION
5 (1)(b) SHALL APPLY TO INDIVIDUALS WHO SIGN, FILE, TRANSMIT, OR
6 RECORD A LIST OF PRESIDENTIAL ELECTORS WHO VOTED FOR CANDIDATES
7 FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES WHO THE
8 SECRETARY OF STATE DID NOT DESIGNATE AS THE NATIONAL POPULAR
9 VOTE WINNER.

10 (c) A PERSON WHO HAS NOT BEEN ELECTED AS A PRESIDENTIAL
11 ELECTOR IN A GENERAL ELECTION AND WHO KNOWINGLY VOTES AS A
12 PRESIDENTIAL ELECTOR FOR CANDIDATES FOR PRESIDENT AND VICE
13 PRESIDENT OF THE UNITED STATES WHO DID NOT RECEIVE THE HIGHEST
14 NUMBER OF VOTES IN THE STATE AT A GENERAL ELECTION AT WHICH THE
15 OFFICES OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES WERE
16 CONTESTED, OR WHO INPUTS INFORMATION INTO A FORM, CERTIFICATE, OR
17 OTHER PAPER OR DOCUMENT REQUIRED OF PRESIDENTIAL ELECTORS THAT
18 WAS NOT PROVIDED BY THE SECRETARY OF STATE PURSUANT TO SECTION
19 1-4-304 COMMITS SERVING IN A FALSE SLATE OF PRESIDENTIAL ELECTORS.
20 IF THE INTERSTATE COMPACT, "AGREEMENT AMONG THE STATES TO
21 ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE", DESCRIBED IN PART
22 40 OF ARTICLE 60 OF TITLE 24 IS IN EFFECT AND THE STATE'S ELECTORAL
23 VOTES ARE AWARDED TO THE WINNER OF THE NATIONAL POPULAR VOTE,
24 THE PROVISIONS OF THIS SUBSECTION (1)(c) SHALL APPLY TO A PERSON
25 WHO KNOWINGLY VOTES AS A PRESIDENTIAL ELECTOR FOR CANDIDATES
26 FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES WHO THE
27 SECRETARY OF STATE DID NOT DESIGNATE AS THE NATIONAL POPULAR

1 VOTE WINNER.

2 (d) A PERSON WHO HAS NOT BEEN ELECTED AS A PRESIDENTIAL
3 ELECTOR IN A GENERAL ELECTION AND WHO KNOWINGLY AND FALSELY
4 SWEARS OR ATTESTS TO THE OATH REQUIRED BY LAW FOR PRESIDENTIAL
5 ELECTORS UNDER SECTION 1-4-304 (1) COMMITS PERJURY.

6 (2) CONSPIRING TO CREATE OR SERVE IN A FALSE SLATE OF
7 PRESIDENTIAL ELECTORS, CREATING A FALSE SLATE OF PRESIDENTIAL
8 ELECTORS, SERVING IN A FALSE SLATE OF PRESIDENTIAL ELECTORS, OR
9 COMMITTING PERJURY AS DESCRIBED IN SUBSECTION (1)(d) OF THIS
10 SECTION IS A CLASS 1 MISDEMEANOR, AND, UPON CONVICTION THEREOF,
11 THE COURT SHALL:

12 (a) IMPOSE A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS;

13 (b) ORDER REPAYMENT OF THE COSTS OF AN INVESTIGATION BY
14 THE ATTORNEY GENERAL OR A DISTRICT ATTORNEY HAVING JURISDICTION
15 PURSUANT TO SECTION 1-13-101;

16 (c) HAVE THE DISCRETION TO SENTENCE THE DEFENDANT TO A
17 TERM OF INCARCERATION OF NOT MORE THAN THREE HUNDRED SIXTY
18 FOUR DAYS, AS SPECIFIED IN SECTION 18-1.3-501 FOR A CLASS 1
19 MISDEMEANOR; AND

20 (d) IF THE DEFENDANT IS CONVICTED OF PERJURY AS DESCRIBED IN
21 SUBSECTION (1)(d) OF THIS SECTION, ORDER THAT THE DEFENDANT IS
22 INELIGIBLE TO BE A MEMBER OF THE GENERAL ASSEMBLY AND INCAPABLE
23 OF HOLDING ANY OFFICE OF TRUST OR PROFIT IN THE STATE, AS PROVIDED
24 BY SECTION 4 OF ARTICLE XII OF THE STATE CONSTITUTION.

25 (3) MONEY RECOVERED FOR THE REIMBURSEMENT OF THE COSTS
26 OF AN INVESTIGATION PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION
27 MUST BE DEPOSITED WITH THE STATE TREASURER AND CREDITED TO THE

1 GENERAL FUND.

2 **SECTION 2. Effective date - applicability.** This act takes effect
3 July 1, 2024 and applies to offenses committed on or after said date.

4 **SECTION 3. Safety clause.** The general assembly finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, or safety or for appropriations for
7 the support and maintenance of the departments of the state and state
8 institutions.