

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

PREAMENDED

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

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 AN AGREEMENT,
6 INCLUDING A WRITTEN AGREEMENT, ORAL AGREEMENT, OR AGREEMENT
7 USING ELECTRONIC COMMUNICATIONS, WITH ONE OR MORE INDIVIDUALS
8 TO COMMIT OFFERING OF A FALSE INSTRUMENT FOR RECORDING OR
9 FORGERY COMMITS CONSPIRING TO COMMIT OFFERING OF A FALSE
10 INSTRUMENT FOR RECORDING OR FORGERY.

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 OFFERING OF A FALSE
20 INSTRUMENT FOR RECORDING AS SET FORTH IN SECTION 18-5-114. IF THE

1 INTERSTATE COMPACT, "AGREEMENT AMONG THE STATES TO ELECT THE
2 PRESIDENT BY NATIONAL POPULAR VOTE", DESCRIBED IN PART 40 OF
3 ARTICLE 60 OF TITLE 24 IS IN EFFECT AND THE STATE'S ELECTORAL VOTES
4 ARE AWARDED TO THE WINNER OF THE NATIONAL POPULAR VOTE, THE
5 PROVISIONS OF THIS SUBSECTION (1)(b) SHALL APPLY TO INDIVIDUALS
6 WHO SIGN, FILE, TRANSMIT, OR RECORD A LIST OF PRESIDENTIAL ELECTORS
7 WHO VOTED FOR CANDIDATES FOR PRESIDENT AND VICE PRESIDENT OF THE
8 UNITED STATES WHO THE SECRETARY OF STATE DID NOT DESIGNATE AS
9 THE NATIONAL POPULAR 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 FORGERY AS SET FORTH IN SECTION 18-5-102. IF THE
20 INTERSTATE COMPACT, "AGREEMENT AMONG THE STATES TO ELECT THE
21 PRESIDENT BY NATIONAL POPULAR VOTE", DESCRIBED IN PART 40 OF
22 ARTICLE 60 OF TITLE 24 IS IN EFFECT AND THE STATE'S ELECTORAL VOTES
23 ARE AWARDED TO THE WINNER OF THE NATIONAL POPULAR VOTE, THE
24 PROVISIONS OF THIS SUBSECTION (1)(c) SHALL APPLY TO A PERSON WHO
25 KNOWINGLY VOTES AS A PRESIDENTIAL ELECTOR FOR CANDIDATES FOR
26 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) FOR PURPOSES OF THIS SECTION, A PERSON WHO HAS NOT BEEN
3 ELECTED AS A PRESIDENTIAL ELECTOR IN A GENERAL ELECTION AND WHO
4 KNOWINGLY AND FALSELY SWEARS OR ATTESTS TO THE OATH REQUIRED
5 BY LAW FOR PRESIDENTIAL ELECTORS UNDER SECTION 1-4-304 (1)
6 COMMITS PERJURY.

7 (e) FOR PURPOSES OF THIS SECTION, A PERSON WHO HAS NOT BEEN
8 ELECTED AS A PRESIDENTIAL ELECTOR IN A GENERAL ELECTION AND WHO
9 INDUCES ANOTHER PERSON WHO HAS NOT BEEN ELECTED AS A
10 PRESIDENTIAL ELECTOR IN A GENERAL ELECTION TO KNOWINGLY AND
11 FALSELY SWEAR OR ATTEST TO THE OATH REQUIRED BY LAW FOR
12 PRESIDENTIAL ELECTORS UNDER SECTION 1-4-304 (1) COMMITS
13 SUBORNATION OF PERJURY.

14 (2) (a) UPON CONVICTION FOR CONSPIRING TO OFFER A FALSE
15 INSTRUMENT FOR RECORDING OR FORGERY, AS SET FORTH IN SUBSECTION
16 (1)(a) OF THIS SECTION, OFFERING A FALSE INSTRUMENT FOR RECORDING,
17 AS SET FORTH IN SUBSECTION (1)(b) OF THIS SECTION, OR FORGERY, AS SET
18 FORTH IN SUBSECTION (1)(c) OF THIS SECTION, THE COURT SHALL IMPOSE
19 A FINE OF NOT MORE THAN TEN THOUSAND DOLLARS ON THE DEFENDANT.

20 (b) IF THE DEFENDANT IS CONVICTED OF PERJURY AS DESCRIBED IN
21 SUBSECTION (1)(d) OF THIS SECTION, OR SUBORNATION OF PERJURY AS
22 DESCRIBED IN SUBSECTION (1)(e) OF THIS SECTION, ORDER THAT THE
23 DEFENDANT IS INELIGIBLE TO BE A MEMBER OF THE GENERAL ASSEMBLY
24 AND INCAPABLE OF HOLDING ANY OFFICE OF TRUST OR PROFIT IN THE
25 STATE, AS PROVIDED BY SECTION 4 OF ARTICLE XII OF THE STATE
26 CONSTITUTION, AND IMPOSE A FINE OF NOT MORE THAN TEN THOUSAND
27 DOLLARS ON THE DEFENDANT.

1 (3) MONEY RECOVERED FOR THE REIMBURSEMENT OF THE COSTS
2 OF AN INVESTIGATION PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION
3 MUST BE DEPOSITED WITH THE STATE TREASURER AND CREDITED TO THE
4 GENERAL FUND.

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

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