

CHAPTER 115

ELECTIONS

HOUSE BILL 24-1150

BY REPRESENTATIVE(S) Garcia and Parenti, Amabile, Bacon, Boesenecker, Brown, Clifford, Froelich, Hernandez, Herod, Jodeh, Joseph, Kipp, Lindsay, Lindstedt, Marvin, Mauro, McCormick, Rutinel, Sirota, Story, Titone, Vigil, Weinberg, Weissman, Willford, Woodrow;
also SENATOR(S) Hinrichsen, Bridges, Cutter, Gonzales, Michaelson Jenet.

AN ACT**CONCERNING FALSE SLATES OF PRESIDENTIAL ELECTORS.**

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

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

1-13-725. False slate of presidential electors - penalties. (1) (a) A PERSON WHO KNOWINGLY ENTERS INTO AN AGREEMENT, INCLUDING A WRITTEN AGREEMENT, ORAL AGREEMENT, OR AGREEMENT USING ELECTRONIC COMMUNICATIONS, WITH ONE OR MORE INDIVIDUALS TO COMMIT OFFERING OF A FALSE INSTRUMENT FOR RECORDING OR FORGERY COMMITS CONSPIRING TO COMMIT OFFERING OF A FALSE INSTRUMENT FOR RECORDING OR FORGERY.

(b) A PERSON WHO KNOWINGLY SIGNS, FILES, TRANSMITS, OR RECORDS WITH THE SECRETARY OF STATE, THE ARCHIVIST OF THE UNITED STATES, THE PRESIDENT OF THE UNITED STATES SENATE, THE UNITED STATES CONGRESS, OR A COLORADO FEDERAL DISTRICT COURT JUDGE A LIST OF PRESIDENTIAL ELECTORS WHO VOTED FOR CANDIDATES FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES WHO DID NOT RECEIVE THE HIGHEST NUMBER OF VOTES IN THE STATE AT A GENERAL ELECTION AT WHICH THE OFFICES OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES WERE CONTESTED COMMITS OFFERING OF A FALSE INSTRUMENT FOR RECORDING AS SET FORTH IN SECTION 18-5-114. IF THE INTERSTATE COMPACT, "AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE", DESCRIBED IN PART 40 OF ARTICLE 60 OF TITLE 24 IS IN EFFECT AND THE STATE'S ELECTORAL VOTES ARE AWARDED TO THE WINNER OF THE NATIONAL POPULAR VOTE, THE PROVISIONS OF THIS SUBSECTION (1)(b) SHALL APPLY TO INDIVIDUALS WHO SIGN, FILE, TRANSMIT, OR RECORD A LIST OF PRESIDENTIAL ELECTORS WHO VOTED

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

FOR CANDIDATES FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES WHO THE SECRETARY OF STATE DID NOT DESIGNATE AS THE NATIONAL POPULAR VOTE WINNER.

(c) A PERSON WHO HAS NOT BEEN ELECTED AS A PRESIDENTIAL ELECTOR IN A GENERAL ELECTION AND WHO KNOWINGLY VOTES AS A PRESIDENTIAL ELECTOR FOR CANDIDATES FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES WHO DID NOT RECEIVE THE HIGHEST NUMBER OF VOTES IN THE STATE AT A GENERAL ELECTION AT WHICH THE OFFICES OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES WERE CONTESTED, OR WHO INPUTS INFORMATION INTO A FORM, CERTIFICATE, OR OTHER PAPER OR DOCUMENT REQUIRED OF PRESIDENTIAL ELECTORS THAT WAS NOT PROVIDED BY THE SECRETARY OF STATE PURSUANT TO SECTION 1-4-304 COMMITS FORGERY AS SET FORTH IN SECTION 18-5-102. IF THE INTERSTATE COMPACT, "AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE", DESCRIBED IN PART 40 OF ARTICLE 60 OF TITLE 24 IS IN EFFECT AND THE STATE'S ELECTORAL VOTES ARE AWARDED TO THE WINNER OF THE NATIONAL POPULAR VOTE, THE PROVISIONS OF THIS SUBSECTION (1)(c) SHALL APPLY TO A PERSON WHO KNOWINGLY VOTES AS A PRESIDENTIAL ELECTOR FOR CANDIDATES FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES WHO THE SECRETARY OF STATE DID NOT DESIGNATE AS THE NATIONAL POPULAR VOTE WINNER.

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

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

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

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

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

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

Approved: April 19, 2024