

HB26-1113 be amended as follows:

1 Amend reengrossed bill, page 56, after line 19, insert:

2 "SECTION 61. In Colorado Revised Statutes, **amend** 1-13-713
3 as follows:

4 **1-13-713. Intimidation.**

5 It is unlawful for any person directly or indirectly, by himself or
6 herself or by any other person in his or her behalf, to RECKLESSLY
7 impede, prevent, MAKE A CREDIBLE THREAT, MENACE, INTIMIDATE, or
8 otherwise interfere with the free exercise of the elective franchise of any
9 elector, INCLUDING ANY ELECTOR WHO IS DELIVERING NO MORE THAN TEN
10 MAIL BALLOTS TO A DROP BOX OR DROP-OFF-LOCATION DESIGNATED BY
11 THE COUNTY CLERK AND RECORDER OR DESIGNATED ELECTION OFFICIAL,
12 or to compel, induce, or prevail upon any elector either to give or refrain
13 from giving the elector's vote at any election provided by law or to give
14 or refrain from giving the elector's vote for any particular person or
15 measure at any such election. Each such offense is a class 1
16 misdemeanor.

17 **SECTION 62.** In Colorado Revised Statutes, 1-13-724, **amend**
18 (4) as follows:

19 **1-13-724. Unlawfully carrying a firearm at a polling location**
20 **or drop box - exception - legislative declaration.**

21 (4) This section does not apply to a peace officer, as described in
22 section 16-2.5-101, acting within the scope of the peace officer's
23 authority and in the performance of the peace officer's LAWFUL duties,
24 EXCEPT AS OTHERWISE PROVIDED IN SECTIONS 1-13-713 AND 1-13-726."

25 Renumber succeeding sections accordingly.

26 Page 58, after line 2 insert:

27 "SECTION 64. In Colorado Revised Statutes, 1-13-726, **amend**
28 (3) introductory portion and (6)(b); and **add** (3)(b.5), (5)(e), (5)(f) as
29 follows:

30 **1-13-726. Intimidation of voters or election officials - civil**
31 **enforcement - short title - definitions.**

32 (3) **Election-related intimidation prohibited.** An individual,
33 whether acting under color of law or otherwise, shall not RECKLESSLY
34 intimidate, ~~threaten~~ MAKE A CREDIBLE THREAT, or coerce or attempt to
35 RECKLESSLY intimidate, ~~threaten~~ MAKE A CREDIBLE THREAT, or coerce,
36 DIRECTLY OR INDIRECTLY, any individual for any of the following:

1 (b.5) DELIVERING NO MORE THAN TEN MAIL BALLOTS TO A DROP
2 BOX OR DROP-OFF LOCATION DESIGNATED BY THE COUNTY CLERK AND
3 RECORDER OR DESIGNATED ELECTION OFFICIAL;

4 (5) **Right to enforce.**

5 (e) A DISTRICT COURT THAT HAS JURISDICTION OVER ANY SUIT
6 BROUGHT PURSUANT TO THIS SECTION MUST EXPEDITE CONSIDERATION OF
7 THE SUIT AND CONDUCT A FORTHWITH HEARING THEREON. A DISTRICT
8 COURT MAY ORDER SUCH EQUITABLE RELIEF AS IS WARRANTED BY THE
9 FACTS AND APPLICABLE LAW AND DO SO ON AN EMERGENCY BASIS IF
10 WARRANTED.

11 (f) IF, AT THE TIME OF FILING THE COMPLAINT, AN INDIVIDUAL
12 DEFENDANT CANNOT BE IDENTIFIED BY NAME BECAUSE THE INDIVIDUAL
13 WAS WEARING A MASK OR OTHER DISGUISE OR REFUSED TO PROVIDE
14 IDENTIFYING INFORMATION INCLUDING THE NAME OF THE INDIVIDUAL'S
15 EMPLOYER, WHETHER AN ORGANIZATION OR GOVERNMENT AGENCY, THE
16 PLAINTIFF MAY NAME THE UNKNOWN INDIVIDUAL AND THE INDIVIDUAL'S
17 EMPLOYER AS DEFENDANTS IN THE COMPLAINT FILED PURSUANT TO THIS
18 SECTION.

19 (6) **Relief.**

20 (b) To prevail in a suit to enforce subsection (3) of this section,
21 a plaintiff is not required to prove that a defendant intended to intimidate,
22 threaten, or coerce any individual, except to prove ~~an~~ THAT A
23 DEFENDANT'S ACTS CONSTITUTED A RECKLESS attempt to, DIRECTLY OR
24 INDIRECTLY, intimidate, threaten, or coerce A PERSON IN VOTING OR TO
25 REFRAIN FROM VOTING OR IN DELIVERING NO MORE THAN TEN BALLOTS
26 TO A DROP BOX OR DROP-OFF LOCATION DESIGNATED BY A COUNTY CLERK
27 OR DESIGNATED ELECTION OFFICIAL. A court may nonetheless consider
28 evidence of intent in determining the appropriate relief AND SHALL
29 RETAIN JURISDICTION OVER ANY ATTEMPTS BY THE NAMED DEFENDANTS
30 TO INTIMIDATE, THREATEN, OR COERCE VOTING AT THE LOCATION OR
31 LOCATIONS IDENTIFIED IN A SUIT THROUGH THE DATE OF THE RELEVANT
32 ELECTION."

33 Renumber succeeding sections accordingly.

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