

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 17-0553.01 Bob Lackner x4350

HOUSE BILL 17-1014

HOUSE SPONSORSHIP

Rosenthal and Williams D.,

SENATE SPONSORSHIP

(None),

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ELIMINATION OF THE CRIMINAL PENALTY IMPOSED**
102 **UPON AN ELECTOR FOR DISCLOSING THE CONTENTS OF THE**
103 **ELECTOR'S VOTED BALLOT.**

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>.)

For elections conducted under both the "Uniform Election Code of 1992" and the "Municipal Election Code of 1965", an elector who shows his or her ballot after it is prepared for voting in such a way as to reveal its contents, commonly known and referred to as a "ballot selfie", is subject to a criminal misdemeanor penalty.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

Section 1 of the bill modifies the ballot selfie prohibition in the "Uniform Election Code of 1965". Specifically, section 1 deletes existing language prohibiting a voter from showing his ballot after it is prepared for voting to any person in such a way as to reveal its contents. Under the bill, any voter may show his completed ballot to any other person. The bill further provides that any voter makes available an image of the voter's own ballot through electronic means after it is prepared for voting is deemed to have consented to the transmittal of that image and such transmitted image is in the public domain. The ability of a voter to exercise such right at a voter service and polling center (VSPC) or at any other location at which votes are being tabulated is subject to the power of a county clerk and recorder to monitor activity at such VSPC or other location, including placing reasonable restrictions on the use of photography in such settings or imposing other restrictions on activity in such settings as the county clerk and recorder finds necessary, to ensure the fair and efficient conduct of elections.

The bill expands the existing restriction prohibiting any person from endeavoring to induce any voter to show how he or she marked his or her ballot to include taking a photograph of any other voter's ballot after it has been prepared for voting.

Section 2 of the bill makes parallel modifications to the "Uniform Election Code of 1992" as section 1 of the bill regarding ballot selfie requirements.

Section 3 of the bill creates a new election offense that makes it unlawful for any person, directly or indirectly, alone or through any other person, to trade a vote or offer to trade a vote with another elector in this state or a person in another state in exchange for the other elector's or person's vote for or against a particular candidate, ballot issue, or ballot question.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-13-712, **amend** (1)
3 as follows:

4 **1-13-712. Disclosing or identifying vote.** (1) (a) ~~Except as~~
5 ~~provided in section 1-7-108, no voter shall show his ballot after it is~~
6 ~~prepared for voting to any person in such a way as to reveal its contents.~~
7 No voter shall place any mark upon his OR HER ballot by means of which
8 it can be identified as the one voted by him OR HER, and no other mark

1 shall be placed on the ballot by any person to identify it after it has been
2 prepared for voting.

3 (b) ANY VOTER MAY SHOW HIS OR HER VOTED BALLOT TO ANY
4 OTHER PERSON AS LONG AS THE DISCLOSURE IS NOT UNDERTAKEN IN
5 FURTHERANCE OF ANY ELECTION VIOLATION PROSCRIBED IN THIS ARTICLE
6 13.

7 (c) ANY VOTER WHO MAKES AVAILABLE AN IMAGE OF THE VOTER'S
8 OWN BALLOT THROUGH ELECTRONIC MEANS AFTER IT IS PREPARED FOR
9 VOTING IS DEEMED TO HAVE CONSENTED TO THE TRANSMITTAL OF THAT
10 IMAGE.

11 (d) THE ABILITY OF A VOTER TO DISCLOSE HIS OR HER VOTED
12 BALLOT AS DESCRIBED IN THIS SUBSECTION (1) AT A VOTER SERVICE AND
13 POLLING CENTER OR AT ANY OTHER LOCATION AT WHICH VOTES ARE BEING
14 TABULATED IS SUBJECT TO THE POWER OF A COUNTY CLERK AND
15 RECORDER TO MONITOR ACTIVITY AT SUCH VOTER SERVICE AND POLLING
16 CENTER OR OTHER LOCATION, INCLUDING PLACING REASONABLE
17 RESTRICTIONS ON THE USE OF PHOTOGRAPHY IN SUCH SETTINGS OR
18 IMPOSING OTHER RESTRICTIONS ON ACTIVITY IN SUCH SETTINGS AS THE
19 COUNTY CLERK AND RECORDER FINDS NECESSARY, TO ENSURE THE FAIR
20 AND EFFICIENT CONDUCT OF ELECTIONS.

21 **SECTION 2.** In Colorado Revised Statutes, **amend 31-10-1517**
22 as follows:

23 **31-10-1517. Disclosing or identifying vote.** (1) ~~Except as~~
24 ~~provided in section 31-10-608 or 31-10-609, no voter shall show his~~
25 ~~ballot after it is prepared for voting to any person in such a way as to~~
26 ~~reveal its contents, and No person shall solicit or induce the A voter to do~~
27 ~~so REVEAL HOW HE OR SHE VOTED. No voter shall place any mark upon his~~

1 OR HER ballot by means of which it can be identified as the one voted by
2 him OR HER, and no other mark shall be placed upon the ballot to identify
3 it after it has been prepared for voting.

4 (2) (a) ANY VOTER MAY SHOW HIS OR HER VOTED BALLOT TO ANY
5 OTHER PERSON AS LONG AS THE DISCLOSURE IS NOT UNDERTAKEN IN
6 FURTHERANCE OF ANY ELECTION VIOLATION PROSCRIBED IN THIS PART 15.

7 (b) ANY VOTER WHO MAKES AVAILABLE AN IMAGE OF THE VOTER'S
8 OWN BALLOT THROUGH ELECTRONIC MEANS AFTER IT IS PREPARED FOR
9 VOTING IS DEEMED TO HAVE CONSENTED TO THE TRANSMITTAL OF THAT
10 IMAGE.

11 (c) THE ABILITY OF A VOTER TO DISCLOSE HIS OR HER VOTED
12 BALLOT AS DESCRIBED IN THIS SUBSECTION (2) AT A POLLING PLACE OR AT
13 ANY OTHER LOCATION AT WHICH VOTES ARE BEING TABULATED IS SUBJECT
14 TO THE POWER OF THE CLERK TO PROPERLY MONITOR ACTIVITY AT SUCH
15 POLLING PLACE OR OTHER LOCATION, INCLUDING PLACING REASONABLE
16 RESTRICTIONS ON THE USE OF PHOTOGRAPHY IN SUCH SETTINGS OR
17 IMPOSING OTHER RESTRICTIONS ON ACTIVITY IN SUCH SETTINGS AS THE
18 CLERK FINDS NECESSARY, TO ENSURE THE FAIR AND EFFICIENT CONDUCT
19 OF ELECTIONS.

20 (3) Any person violating ~~the provisions of~~ SUBSECTION (1) OF this
21 section commits a misdemeanor and, upon conviction thereof, shall be
22 punished as provided in section 31-10-1504.

23 **SECTION 3. Act subject to petition - effective date -**
24 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
25 the expiration of the ninety-day period after final adjournment of the
26 general assembly (August 9, 2017, if adjournment sine die is on May 10,
27 2017); except that, if a referendum petition is filed pursuant to section 1

1 (3) of article V of the state constitution against this act or an item, section,
2 or part of this act within such period, then the act, item, section, or part
3 will not take effect unless approved by the people at the general election
4 to be held in November 2018 and, in such case, will take effect on the
5 date of the official declaration of the vote thereon by the governor.

6 (2) This act applies to elections conducted on or after the
7 applicable effective date of this act.