

CHAPTER 64

GOVERNMENT - STATE

HOUSE BILL 12-1169

BY REPRESENTATIVE(S) Gardner B. and Duran, Court, Kefalas, Murray, Todd;
also SENATOR(S) Brophy and Morse, King S.

AN ACT

CONCERNING A CLARIFICATION OF THE CIRCUMSTANCES UNDER WHICH VOTING TO ELECT LEADERSHIP OF A PUBLIC BODY MAY BE HELD BY SECRET BALLOT IN ACCORDANCE WITH THE STATE OPEN MEETINGS LAW.

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

SECTION 1. In Colorado Revised Statutes, 24-6-402, **add** (2) (d) (IV) as follows:

24-6-402. Meetings - open to public - definitions. (2) (d) (IV) NEITHER A STATE NOR A LOCAL PUBLIC BODY MAY ADOPT ANY PROPOSED POLICY, POSITION, RESOLUTION, RULE, OR REGULATION OR TAKE FORMAL ACTION BY SECRET BALLOT UNLESS OTHERWISE AUTHORIZED IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBPARAGRAPH (IV). NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A VOTE TO ELECT LEADERSHIP OF A STATE OR LOCAL PUBLIC BODY BY THAT SAME PUBLIC BODY MAY BE TAKEN BY SECRET BALLOT, AND A SECRET BALLOT MAY BE USED IN CONNECTION WITH THE ELECTION BY A STATE OR LOCAL PUBLIC BODY OF MEMBERS OF A SEARCH COMMITTEE, WHICH COMMITTEE IS OTHERWISE SUBJECT TO THE REQUIREMENTS OF THIS SECTION, BUT THE OUTCOME OF THE VOTE SHALL BE RECORDED CONTEMPORANEOUSLY IN THE MINUTES OF THE BODY IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION. NOTHING IN THIS SUBPARAGRAPH (IV) SHALL BE CONSTRUED TO AFFECT THE AUTHORITY OF A BOARD OF EDUCATION TO USE A SECRET BALLOT IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 22-32-108 (6), C.R.S. FOR PURPOSES OF THIS SUBPARAGRAPH (IV), "SECRET BALLOT" MEANS A VOTE CAST IN SUCH A WAY THAT THE IDENTITY OF THE PERSON VOTING OR THE POSITION TAKEN IN SUCH VOTE IS WITHHELD FROM THE PUBLIC.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 24, 2012