

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0856.01 Bob Lackner x4350

HOUSE BILL 16-1369

HOUSE SPONSORSHIP

Rosenthal,

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 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://www.leg.state.co.us/billsummaries>.)

For elections conducted under both the "Uniform Election Code of 1992" and the "Municipal Election Code", an elector who shows his or her ballot after it is prepared for voting in such a way as to reveal its contents is subject to a criminal misdemeanor penalty. Under the bill, a voter who makes available an image of the voter's own ballot through

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.

electronic means after it is prepared for voting is deemed to have consented to the transmittal of that image and such transmittal does not constitute a violation of either code. However, a person who takes a photograph of any other voter's ballot after it has been prepared for voting would remain subject to the misdemeanor penalty.

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 and (2) as follows:

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

11 (b) A VOTER WHO MAKES AVAILABLE AN IMAGE OF THE VOTER'S
12 OWN BALLOT THROUGH ELECTRONIC MEANS AFTER IT IS PREPARED FOR
13 VOTING IS DEEMED TO HAVE CONSENTED TO THE TRANSMITTAL OF THAT
14 IMAGE AND SUCH TRANSMITTAL DOES NOT CONSTITUTE A VIOLATION OF
15 THIS SECTION.

16 (2) No person shall endeavor to induce any voter to show how he
17 OR SHE marked his OR HER ballot OR TAKE A PHOTOGRAPH OF ANY OTHER
18 VOTER'S BALLOT AFTER IT HAS BEEN PREPARED FOR VOTING.

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

21 **31-10-1517. Disclosing or identifying vote.** (1) Except as
22 provided in section 31-10-608 or 31-10-609 OR SUBSECTION (2) OF THIS
23 SECTION, no voter shall show his OR HER ballot after it is prepared for

1 voting to any person in such a way as to reveal its contents, and no person
2 shall solicit or induce ~~the~~ A voter to ~~do so~~ REVEAL HOW HE OR SHE VOTED
3 OR TAKE A PHOTOGRAPH OF ANY OTHER VOTER'S BALLOT AFTER IT HAS
4 BEEN PREPARED FOR VOTING. No voter shall place any mark upon his OR
5 HER ballot by means of which it can be identified as the one voted by him
6 OR HER, and no other mark shall be placed upon the ballot to identify it
7 after it has been prepared for voting.

8 (2) A VOTER WHO MAKES AVAILABLE AN IMAGE OF THE VOTER'S
9 OWN BALLOT THROUGH ELECTRONIC MEANS AFTER IT IS PREPARED FOR
10 VOTING IS DEEMED TO HAVE CONSENTED TO THE TRANSMITTAL OF THAT
11 IMAGE AND SUCH TRANSMITTAL DOES NOT CONSTITUTE A VIOLATION OF
12 THIS SECTION.

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

16 **SECTION 3. Applicability.** This act applies to elections
17 conducted on or after the applicable effective date of this act.

18 **SECTION 4. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, and safety.