

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

January 25, 2017
Date

Committee on State, Veterans, & Military Affairs.

After consideration on the merits, the Committee recommends the following:

HB17-1014 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, strike everything below the enacting clause
2 and substitute:

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

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

12 (b) ANY VOTER MAY SHOW HIS OR HER VOTED BALLOT TO ANY
13 OTHER PERSON AS LONG AS THE DISCLOSURE IS NOT UNDERTAKEN IN
14 FURTHERANCE OF ANY ELECTION VIOLATION PROSCRIBED IN THIS ARTICLE
15 13.

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

20 (d) THE ABILITY OF A VOTER TO DISCLOSE HIS OR HER VOTED
21 BALLOT AS DESCRIBED IN THIS SUBSECTION (1) AT A VOTER SERVICE AND
22 POLLING CENTER OR AT ANY OTHER LOCATION AT WHICH VOTES ARE BEING

1 TABULATED IS SUBJECT TO THE POWER OF A COUNTY CLERK AND
2 RECORDER TO MONITOR ACTIVITY AT SUCH VOTER SERVICE AND POLLING
3 CENTER OR OTHER LOCATION, INCLUDING PLACING REASONABLE
4 RESTRICTIONS ON THE USE OF PHOTOGRAPHY IN SUCH SETTINGS OR
5 IMPOSING OTHER RESTRICTIONS ON ACTIVITY IN SUCH SETTINGS AS THE
6 COUNTY CLERK AND RECORDER FINDS NECESSARY, TO ENSURE THE FAIR
7 AND EFFICIENT CONDUCT OF ELECTIONS.

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

10 **31-10-1517. Disclosing or identifying vote.** (1) ~~Except as~~
11 ~~provided in section 31-10-608 or 31-10-609, no voter shall show his~~
12 ~~ballot after it is prepared for voting to any person in such a way as to~~
13 ~~reveal its contents, and~~ No person shall solicit or induce ~~the~~ A voter to ~~do~~
14 ~~so~~ REVEAL HOW HE OR SHE VOTED. No voter shall place any mark upon his
15 OR HER ballot by means of which it can be identified as the one voted by
16 him OR HER, and no other mark shall be placed upon the ballot to identify
17 it after it has been prepared for voting.

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

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

25 (c) THE ABILITY OF A VOTER TO DISCLOSE HIS OR HER VOTED
26 BALLOT AS DESCRIBED IN THIS SUBSECTION (2) AT A POLLING PLACE OR AT
27 ANY OTHER LOCATION AT WHICH VOTES ARE BEING TABULATED IS SUBJECT
28 TO THE POWER OF THE CLERK TO PROPERLY MONITOR ACTIVITY AT SUCH
29 POLLING PLACE OR OTHER LOCATION, INCLUDING PLACING REASONABLE
30 RESTRICTIONS ON THE USE OF PHOTOGRAPHY IN SUCH SETTINGS OR
31 IMPOSING OTHER RESTRICTIONS ON ACTIVITY IN SUCH SETTINGS AS THE
32 CLERK FINDS NECESSARY, TO ENSURE THE FAIR AND EFFICIENT CONDUCT
33 OF ELECTIONS.

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

37 **SECTION 3. Act subject to petition - effective date -**
38 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
39 the expiration of the ninety-day period after final adjournment of the
40 general assembly (August 9, 2017, if adjournment sine die is on May 10,

1 2017); except that, if a referendum petition is filed pursuant to section 1
2 (3) of article V of the state constitution against this act or an item, section,
3 or part of this act within such period, then the act, item, section, or part
4 will not take effect unless approved by the people at the general election
5 to be held in November 2018 and, in such case, will take effect on the
6 date of the official declaration of the vote thereon by the governor.

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

9 Page 1, strike lines 101 through 106 and substitute:

10 **"CONCERNING THE ELIMINATION OF THE CRIMINAL PENALTY IMPOSED**
11 **UPON AN ELECTOR FOR DISCLOSING THE CONTENTS OF THE ELECTOR'S**
12 **VOTED BALLOT."**

** *** ** *** **