

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 22-0363.01 Jane Ritter x4342

HOUSE BILL 22-1086

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A BILL FOR AN ACT

101 **CONCERNING PROHIBITING OPENLY CARRYING FIREARMS AT A VOTING**
102 **LOCATION.**

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>.)

The bill prohibits a person from openly carrying a firearm within any polling location or central count facility, or within 100 feet of a ballot drop box or any building in which a polling location or central count facility is located, while an election or any related ongoing election administration activity is in progress. Exceptions are made for persons who own private property within the 100-foot buffer zone to carry a

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

SENATE
3rd Reading Unamended
March 21, 2022

SENATE
2nd Reading Unamended
March 18, 2022

HOUSE
3rd Reading Unamended
February 28, 2022

HOUSE
Amended 2nd Reading
February 25, 2022

firearm on the private property and for peace officers acting within the scope and authority of their duties to carry a firearm.

Openly carrying a firearm inside or within 100 feet of a polling location, central count facility, or drop box is a misdemeanor, punishable by a maximum \$1,000 fine, up to 364 days imprisonment in the county jail, or both.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add 1-13-724** as
3 follows:

4 **1-13-724. Unlawfully carrying a firearm at a polling location**
5 **or drop box - exception - legislative declaration.** (1) (a) THE GENERAL
6 ASSEMBLY FINDS AND DECLARES THAT:

7 (I) THE COLORADO CONSTITUTION GUARANTEES FREE AND OPEN
8 ELECTIONS;

9 (II) ALL COLORADANS SHOULD BE ABLE TO EXERCISE THEIR
10 FUNDAMENTAL RIGHT TO VOTE FREELY AND SAFELY;

11 (III) OPENLY CARRIED FIREARMS IN OR NEAR A POLLING LOCATION
12 OR DROP BOX MAY INTIMIDATE, THREATEN, OR COERCE VOTERS,
13 AFFECTING COLORADANS' EXERCISE OF THEIR VOTING RIGHTS; AND

14 (IV) DUE IN PART TO SUCH CONCERNS, STATES HAVE REGULATED
15 FIREARMS AT POLLING LOCATIONS SINCE THE NINETEENTH CENTURY.

16 (b) THE GENERAL ASSEMBLY FURTHER DECLARES THAT:

17 (I) REGULATING OPENLY CARRIED FIREARMS AT POLLING
18 LOCATIONS AND DROP BOXES IS SUBSTANTIALLY RELATED TO THE
19 GENERAL ASSEMBLY'S INTEREST IN ENSURING ALL COLORADO VOTERS
20 HAVE THE RIGHT TO VOTE IN AN ENVIRONMENT THAT IS SAFE AND FREE
21 FROM INTIMIDATION;

22 (II) NOTHING IN THIS "VOTE WITHOUT FEAR ACT" IS INTENDED TO

1 SHIELD A PERSON FROM PROSECUTION FOR A VIOLATION OF SECTION
2 1-13-713; AND

3 (III) THE GENERAL ASSEMBLY FURTHER FINDS THAT SECURITY
4 PERSONNEL CONTRACTED FOR THE PROTECTION OF ANY LOCATION IN
5 COLORADO THAT INCLUDES A POLLING LOCATION OR DROP BOX SHALL
6 TAKE THE UTMOST CARE TO PROVIDE A SAFE VOTING ENVIRONMENT,
7 WHILE STILL ENSURING THAT THEIR PRESENCE AND BEHAVIOR DOES NOT
8 HAVE AN INTIMIDATING, THREATENING, OR COERCIVE EFFECT ON A VOTER
9 WHO IS EXERCISING THE VOTER'S RIGHT TO VOTE.

10 (2) THE SHORT TITLE OF THIS SECTION IS THE "VOTE WITHOUT
11 FEAR ACT."

12 (3) (a) IT IS UNLAWFUL FOR ANY PERSON TO OPENLY CARRY A
13 FIREARM, AS DEFINED IN SECTION 18-1-901 (3)(h), WITHIN ANY POLLING
14 LOCATION, OR WITHIN ONE HUNDRED FEET OF A DROP BOX OR ANY
15 BUILDING IN WHICH A POLLING LOCATION IS LOCATED, AS PUBLICLY
16 POSTED BY THE DESIGNATED ELECTION OFFICIAL, ON THE DAY OF ANY
17 ELECTION OR DURING THE TIME WHEN VOTING IS PERMITTED FOR ANY
18 ELECTION. THE DESIGNATED ELECTION OFFICIAL RESPONSIBLE FOR ANY
19 CENTRAL COUNT FACILITY, POLLING LOCATION, OR DROP BOX INVOLVED
20 IN THAT ELECTION CYCLE SHALL VISIBLY PLACE A SIGN NOTIFYING
21 PERSONS OF THE ONE-HUNDRED FOOT NO OPEN CARRY ZONE FOR FIREARMS
22 REQUIRED PURSUANT TO THIS SECTION.

23 (b) IT IS UNLAWFUL FOR ANY PERSON TO OPENLY CARRY A
24 FIREARM, AS DEFINED IN SECTION 18-1-901 (3)(h), WITHIN A CENTRAL
25 COUNT FACILITY, OR WITHIN ONE HUNDRED FEET OF ANY BUILDING IN
26 WHICH A CENTRAL COUNT FACILITY IS LOCATED, DURING ANY ONGOING
27 ELECTION ADMINISTRATION ACTIVITY RELATED TO AN ACTIVE ELECTION

1 CONDUCTED BY THE DESIGNATED ELECTION OFFICIAL, AS PUBLICLY
2 POSTED BY THE DESIGNATED ELECTION OFFICIAL.

3 (c) THIS SUBSECTION (1) DOES NOT APPLY TO:

4 (I) A PERSON WHO OPENLY CARRIES A FIREARM THAT THE PERSON
5 OWNS ON THE PERSON'S PRIVATE PROPERTY THAT IS WITHIN THE
6 ONE-HUNDRED-FOOT BUFFER ZONE OR WHILE TRAVELING DIRECTLY
7 BETWEEN THE PERSON'S PRIVATE PROPERTY AND A PLACE OUTSIDE THE
8 ONE-HUNDRED-FOOT BUFFER ZONE; OR

9 (II) A UNIFORMED SECURITY GUARD EMPLOYED BY A CONTRACT
10 SECURITY AGENCY, AS DEFINED IN SECTION 24-33.5-415.4, ACTING WITHIN
11 THE SCOPE OF THE AUTHORITY GRANTED BY AND IN THE PERFORMANCE OF
12 A CONTRACTUAL AGREEMENT FOR THE PROVISION OF SECURITY SERVICES
13 WITH A PERSON OR ENTITY THAT OWNS OR CONTROLS THE FACILITY,
14 BUILDING, OR LOCATION SUBJECT TO THIS SECTION.

15 (4) THIS SECTION DOES NOT APPLY TO A PEACE OFFICER, AS
16 DESCRIBED IN SECTION 16-2.5-101, ACTING WITHIN THE SCOPE OF THE
17 PEACE OFFICER'S AUTHORITY AND IN THE PERFORMANCE OF THE PEACE
18 OFFICER'S DUTIES.

19 (5) ANY PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
20 MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY
21 A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS, OR BY
22 IMPRISONMENT IN THE COUNTY JAIL FOR NOT MORE THAN THREE HUNDRED
23 SIXTY-FOUR DAYS, OR BY BOTH FINE AND IMPRISONMENT; EXCEPT THAT,
24 FOR A FIRST OFFENSE, THE FINE SHALL NOT EXCEED TWO HUNDRED FIFTY
25 DOLLARS AND THE SENTENCE OF IMPRISONMENT SHALL NOT EXCEED ONE
26 HUNDRED TWENTY DAYS.

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