

CHAPTER 50

ELECTIONS

HOUSE BILL 22-1086

BY REPRESENTATIVE(S) Sullivan and Bacon, Amabile, Benavidez, Bernett, Boesenecker, Caraveo, Duran, Froelich, Gonzales-Gutierrez, Gray, Herod, Hooton, Jodeh, Kennedy, Lindsay, Lontine, McCormick, Michaelson Jenet, Ricks, Sirota, Snyder, Titone, Valdez A., Weissman, Woodrow, Garnett;
also SENATOR(S) Fields and Jaquez Lewis, Buckner, Coleman, Danielson, Gonzales, Hansen, Kolker, Lee, Moreno, Pettersen, Story, Winter, Fenberg.

AN ACT**CONCERNING PROHIBITING OPENLY CARRYING FIREARMS AT A VOTING LOCATION.**

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

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

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

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

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

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

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

(b) THE GENERAL ASSEMBLY FURTHER DECLARES THAT:

(I) REGULATING OPENLY CARRIED FIREARMS AT POLLING LOCATIONS AND DROP BOXES IS SUBSTANTIALLY RELATED TO THE GENERAL ASSEMBLY'S INTEREST IN

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ENSURING ALL COLORADO VOTERS HAVE THE RIGHT TO VOTE IN AN ENVIRONMENT THAT IS SAFE AND FREE FROM INTIMIDATION;

(II) NOTHING IN THIS "VOTE WITHOUT FEAR ACT" IS INTENDED TO SHIELD A PERSON FROM PROSECUTION FOR A VIOLATION OF SECTION 1-13-713; AND

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

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

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

(b) IT IS UNLAWFUL FOR ANY PERSON TO OPENLY CARRY A FIREARM, AS DEFINED IN SECTION 18-1-901 (3)(h), WITHIN A CENTRAL COUNT FACILITY, OR WITHIN ONE HUNDRED FEET OF ANY BUILDING IN WHICH A CENTRAL COUNT FACILITY IS LOCATED, DURING ANY ONGOING ELECTION ADMINISTRATION ACTIVITY RELATED TO AN ACTIVE ELECTION CONDUCTED BY THE DESIGNATED ELECTION OFFICIAL, AS PUBLICLY POSTED BY THE DESIGNATED ELECTION OFFICIAL.

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

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

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

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

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

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, or safety.

Approved: March 30, 2022