

CHAPTER 324

ELECTIONS

HOUSE BILL 22-1273

BY REPRESENTATIVE(S) Duran and Sirota, Bacon, Benavidez, Bennett, Bird, Boesenecker, Caraveo, Cutter, Exum, Froelich, Gray, Herod, Hooton, Kipp, Lindsay, Lontine, McCluskie, Michaelson Jenet, Ortiz, Ricks, Snyder, Sullivan, Titone, Valdez D., Weissman, Woodrow, Young;
also SENATOR(S) Fenberg and Pettersen, Buckner, Fields, Gonzales, Hansen, Hinrichsen, Jaquez Lewis, Lee, Moreno, Story, Winter.

AN ACT**CONCERNING PROTECTIONS FOR ELECTION OFFICIALS.**

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

SECTION 1. In Colorado Revised Statutes, **amend as it will become effective March 1, 2022**, 1-13-701 as follows:

1-13-701. Interference with election official - intimidation or retaliation against election official. (1) ~~Any person who~~ **interferes** IT IS UNLAWFUL FOR ANY PERSON TO INTERFERE in any manner with any election official in the discharge of the election official's duty or ~~who induces~~ TO INDUCE any election official to violate or refuse to comply with the election official's duty or any law regulating the same. ~~upon conviction shall be punished as provided in section 1-13-111.~~

(2) IT IS UNLAWFUL FOR ANY PERSON, WHETHER VERBALLY, IN WRITING, OR IN PERSON, TO THREATEN, COERCE, OR INTIMIDATE AN ELECTION OFFICIAL WITH THE INTENT TO:

(a) IMPEDE OR INTERFERE WITH THE OFFICIAL WHILE THE OFFICIAL IS ENGAGED IN THE PERFORMANCE OF THE OFFICIAL'S DUTIES; OR

(b) RETALIATE AGAINST THE OFFICIAL ON ACCOUNT OF THE OFFICIAL'S PERFORMANCE OF THE OFFICIAL'S DUTIES.

(3) THIS SECTION DOES NOT APPLY TO AN ENFORCEMENT ACTION TAKEN

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

PURSUANT TO SECTION 1-1-107 OR 1-1.5-104 OR TO AN ENFORCEMENT ACTION TAKEN BY A DESIGNATED ELECTION OFFICIAL AGAINST AN ELECTION JUDGE FOR A VIOLATION OF A STATUTE, A RULE PROMULGATED BY THE SECRETARY OF STATE, OR THE ELECTION JUDGE'S OATH.

(4) UPON CONVICTION, A PERSON WHO VIOLATES THIS SECTION SHALL BE PUNISHED AS PROVIDED IN SECTION 1-13-111.

SECTION 2. In Colorado Revised Statutes, **add** 18-9-313.5 as follows:

18-9-313.5. Personal information on the internet - election officials - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ELECTION DUTIES" MEANS ACTIVITIES REQUIRED OR AUTHORIZED BY LAW TO CONDUCT PUBLIC ELECTIONS PURSUANT TO THE "UNIFORM ELECTION CODE OF 1992", ARTICLES 1 TO 13 OF TITLE 1; THE "COLORADO LOCAL GOVERNMENT ELECTION CODE", ARTICLE 13.5 OF TITLE 1; THE "COLORADO MUNICIPAL ELECTION CODE OF 1965", ARTICLE 10 OF TITLE 31; OR PARTS 8 AND 9 OF ARTICLE 1 OF TITLE 32.

(b) "ELECTION OFFICIAL" MEANS A COUNTY CLERK AND RECORDER, A MUNICIPAL CLERK, AN ELECTION JUDGE, A MEMBER OF A CANVASSING BOARD, A MEMBER OF A BOARD OF COUNTY COMMISSIONERS, A MEMBER OR SECRETARY OF A BOARD OF DIRECTORS AUTHORIZED TO CONDUCT PUBLIC ELECTIONS, A REPRESENTATIVE OF A GOVERNING BODY, OR ANY OTHER PERSON CONTRACTING FOR OR ENGAGED IN THE PERFORMANCE OF ELECTION DUTIES. "ELECTION OFFICIAL" INCLUDES ANY PERSON WHO IS AN ELECTION WORKER.

(c) "ELECTION WORKER" MEANS A COUNTY CLERK AND RECORDER, A PERSON CURRENTLY EMPLOYED BY A COUNTY TO PERFORM ELECTION DUTIES, A MUNICIPAL CLERK, A PERSON CURRENTLY EMPLOYED BY A MUNICIPAL GOVERNMENT TO PERFORM ELECTION DUTIES, THE SECRETARY OF STATE, AND A PERSON CURRENTLY EMPLOYED BY THE SECRETARY OF STATE TO PERFORM ELECTION DUTIES. "ELECTION WORKER" DOES NOT INCLUDE AN ELECTION JUDGE OR A TEMPORARY EMPLOYEE OF A COUNTY, MUNICIPAL GOVERNMENT, OR THE SECRETARY OF STATE.

(d) "EXEMPT PARTY" MEANS ANY PARTY TO THE RECORD, A SETTLEMENT SERVICE, A TITLE INSURANCE COMPANY, A TITLE INSURANCE AGENCY, A MORTGAGE SERVICER OR A MORTGAGE SERVICER'S QUALIFIED AGENT, OR AN ATTORNEY LICENSED AND IN GOOD STANDING IN THE STATE OF COLORADO TO PRACTICE LAW AND WHO IS ENGAGED IN A REAL ESTATE MATTER.

(e) "IMMEDIATE FAMILY" MEANS:

(I) AN ELECTION OFFICIAL'S SPOUSE, CHILD, OR PARENT; OR

(II) ANY OTHER PERSON WHO LIVES IN THE SAME RESIDENCE AS THE ELECTION OFFICIAL.

(f) "MORTGAGE SERVICER" HAS THE SAME MEANING AS SET FORTH IN SECTION

5-21-103 (4).

(g) "PERSONAL INFORMATION" MEANS A PERSON'S HOME ADDRESS, HOME TELEPHONE NUMBER, PERSONAL MOBILE TELEPHONE NUMBER, PAGER NUMBER, OR PERSONAL E-MAIL ADDRESS; A PHOTOGRAPH OF A PERSON; DIRECTIONS TO A PERSON'S HOME; OR A PHOTOGRAPH OR DESCRIPTION OF A PERSON'S HOME, VEHICLE, OR VEHICLE LICENSE PLATE.

(h) "SETTLEMENT SERVICE" MEANS A SERVICE LISTED IN SECTION 10-11-102 (6.7)(a) TO (6.7)(f).

(i) "TITLE INSURANCE AGENCY" HAS THE SAME MEANING AS SET FORTH IN SECTION 10-11-102 (8.5).

(j) "TITLE INSURANCE COMPANY" HAS THE SAME MEANING AS SET FORTH IN SECTION 10-11-102 (10).

(2) (a) IT IS UNLAWFUL FOR A PERSON TO KNOWINGLY MAKE AVAILABLE ON THE INTERNET PERSONAL INFORMATION ABOUT AN ELECTION OFFICIAL OR AN ELECTION OFFICIAL'S IMMEDIATE FAMILY IF THE DISSEMINATION OF PERSONAL INFORMATION POSES AN IMMINENT AND SERIOUS THREAT TO THE SAFETY OF THE ELECTION OFFICIAL OR THE ELECTION OFFICIAL'S IMMEDIATE FAMILY AND THE PERSON MAKING THE INFORMATION AVAILABLE ON THE INTERNET KNOWS OR REASONABLY SHOULD KNOW OF THE IMMINENT AND SERIOUS THREAT.

(b) A VIOLATION OF THIS SUBSECTION (2) IS A CLASS 1 MISDEMEANOR.

(3) (a) AN ELECTION WORKER MAY SUBMIT A WRITTEN REQUEST PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION TO A STATE OR LOCAL GOVERNMENT OFFICIAL TO REMOVE THE ELECTION WORKER'S PERSONAL INFORMATION FROM RECORDS THAT ARE AVAILABLE ON THE INTERNET. IF A STATE OR LOCAL GOVERNMENT OFFICIAL RECEIVES THE WRITTEN REQUEST, THEN THE STATE OR LOCAL GOVERNMENT OFFICIAL SHALL NOT KNOWINGLY MAKE AVAILABLE ON THE INTERNET PERSONAL INFORMATION ABOUT THE ELECTION WORKER.

(b) AN ELECTION WORKER'S WRITTEN REQUEST TO A STATE OR LOCAL GOVERNMENT OFFICIAL TO REMOVE PERSONAL INFORMATION FROM RECORDS THAT THE OFFICIAL MAKES AVAILABLE ON THE INTERNET MUST INCLUDE:

(I) THE ELECTION WORKER'S FULL NAME AND HOME ADDRESS;

(II) EVIDENCE THAT THE PERSON SUBMITTING THE REQUEST IS AN ELECTION WORKER; AND

(III) AN AFFIRMATION STATING UNDER PENALTY OF PERJURY THAT THE ELECTION WORKER SUBMITTING THE REQUEST HAS REASON TO BELIEVE THAT THE DISSEMINATION OF THE PERSONAL INFORMATION CONTAINED IN THE RECORDS THAT THE OFFICIAL MAKES AVAILABLE ON THE INTERNET POSES AN IMMINENT AND SERIOUS THREAT TO THE SAFETY OF THE ELECTION WORKER.

(c) AN EXEMPT PARTY MAY ACCESS A RECORD THAT INCLUDES INFORMATION

OTHERWISE SUBJECT TO REDACTION PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION AND THAT IS MAINTAINED BY THE COUNTY RECORDER, COUNTY ASSESSOR, OR COUNTY TREASURER IF THE PERSON SEEKING ACCESS TO THE RECORD PROVIDES EVIDENCE AND AN AFFIRMATION UNDER PENALTY OF PERJURY THAT THEY ARE AN EXEMPT PARTY.

(d) EACH COUNTY RECORDER, COUNTY ASSESSOR, OR COUNTY TREASURER SHALL GRANT AN EXEMPT PARTY ACCESS TO THE RECORD BASED ON ITS EXISTING PROCESSES OR SHALL ADOPT A PROCESS TO GRANT ACCESS IF ONE IS NOT ALREADY IN PLACE. EACH COUNTY RECORDER, COUNTY ASSESSOR, OR COUNTY TREASURER MAY ASSESS ADMINISTRATIVE COSTS RELATED TO GRANTING ACCESS TO THE EXEMPT PARTY REQUESTING THE RECORD.

SECTION 3. In Colorado Revised Statutes, 24-72-204, **amend** (3)(a)(XXII) as follows:

24-72-204. Allowance or denial of inspection - grounds - procedure - appeal - definitions - repeal. (3) (a) The custodian shall deny the right of inspection of the following records, unless otherwise provided by law; except that the custodian shall make any of the following records, other than letters of reference concerning employment, licensing, or issuance of permits, available to the person in interest in accordance with this subsection (3):

(XXII) Personal information, as defined in section 18-9-313 (1)(e), in a record for which the custodian has received a request under section 18-9-313, AND PERSONAL INFORMATION, AS DEFINED IN SECTION 18-9-313.5 (1)(e), IN A RECORD FOR WHICH THE CUSTODIAN HAS RECEIVED A REQUEST UNDER SECTION 18-9-313.5 (3), UNLESS ACCESS TO THE INFORMATION IS AUTHORIZED BY SECTION 18-9-313.5 (3)(c);

SECTION 4. Applicability. This act applies to offenses committed on or after the effective date of this act.

SECTION 5. 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: June 2, 2022