

2022 ELECTION COLORADO LAW ENFORCEMENT QUICK REFERENCE GUIDE



This pocket reference guide contains key penal provisions found within the Colorado Election Law.

- ▶ Threatening, coercing or intimidating an election official is a misdemeanor.
- ▶ Offering money in exchange for voting (or not voting) is a misdemeanor.
- ▶ Tampering or breaking open a ballot box or ballot drop box is a felony.

VOTING HOURS

Election Day

Tuesday, November 8
7 a.m. to 7 p.m.

Early Voting

Ballots mailed October 17.
Early voting centers open October
24 through Election Day, excluding
Sundays

MORE INFORMATION AVAILABLE FROM

Colorado Secretary of State

1-855-428-3555 (toll free)
public.elections@coloradosos.gov
govotecolorado.gov

Your Local Election Official

About this Guide

This guide was created to provide local law enforcement officers with a general understanding of state elections laws that contain criminal penalties for violations, recognizing that these statutes are not typically taught in police academies. Additionally, election law is not included in the Colorado Peace Officer's Handbook.

This short guide is not intended to provide a complete or comprehensive review of all Colorado election laws, but instead highlights potential violations that may be reported to local law enforcement. The role of local police and sheriff's offices is typically going to relate to public safety, interference with elections, elections facilities or elections officials. Keep in mind, minor violations (such as displaying electioneering materials at or near a polling location) are often handled directly by elections officials without involvement of law enforcement. Reports of election fraud can be and are often reported by elections officials directly to either the district attorney or attorney general.

Keep in mind when responding to reports of election law violations that all other criminal statutes still apply and should be considered by investigating officers.

By establishing an open dialogue with elections officials prior to commencing of the election process, local law enforcement serves to be partners in assuring that Colorado can have safe and secure elections.

District Attorney or Attorney General to Prosecute

Colorado Revised Statutes §1-13-101

(1) Any person may file an affidavit with the district attorney stating the name of any person who has violated any of the provisions of this code and stating the facts which constitute the alleged offense. Upon the filing of such affidavit, the district attorney shall forthwith investigate, and, if reasonable grounds appear therefor, he shall prosecute the violator.

(2) The attorney general shall have equal power with district attorneys to file and prosecute informations or complaints against any persons for violating any of the provisions of this code.

Procedures for

Colorado Revised Statutes §1-7.5-107(4)(b)(I)(B)

Conducting Mail Ballot Elections

No person other than a duly authorized agent of the county clerk and recorder or designated election official may receive more than ten mail ballots in any election for mailing or delivery.

Interference with Distribution of Election Materials

Colorado Revised Statutes §1-13-113

During the period beginning 45 days before and ending 4 days after any election, it is unlawful to interfere with the distribution of election materials. Any person who prevents, hinders, or interferes with the lawful distribution of any card, pamphlet, circular, poster, handbill, yard sign, or other written material relating to any candidate for election for any office or relating to any issue that is to be submitted to the electors in any election, or any person who removes, defaces, or destroys any lawfully placed billboard, sign, or written material from any premises to which it was delivered.

A violation of this provision is a class 2 misdemeanor, as provided in Colo. Rev. Stat. § 1-13-111.

Tampering with Notices or Supplies

Colorado Revised Statutes §1-13-601

Any person who, prior to an election, willfully defaces, removes, or destroys any notice of election posted in accordance with the provisions of this code, or who, during an election, willfully defaces, removes, or destroys any card of instruction or sample ballot printed or posted for the instruction of electors, or who, during an election, willfully defaces, removes, or destroys any of the supplies or conveniences furnished to enable a voter to prepare the voter's ballot upon conviction *commits a class 2 misdemeanor, as provided in Colo. Rev. Stat. § 1-13-111.*

Interference with Election Official

Colorado Revised Statutes §1-13-701

At any election provided by law, it is unlawful for any person to interfere with any election official in the discharge of their duty or to induce an election official to violate or refuse to comply with their duty or any law regulating the same.

It is unlawful to verbally, in writing, or in person, threaten, coerce, or intimidate an election official with the intent to:

- Impede or interfere with official engaged in the performance of their official duties; or
- Retaliate against the official on account of the official's performance of their official duties.

This section does not apply to enforcement actions taken by the attorney general or by a designated election official against an election judge for violation of a statute, a rule promulgated by the secretary of state, or the election judge's oath.

Any person who violates this section commits a class 2 misdemeanor, as provided in Colo. Rev. Stat. § 1-13-111.

Interfering with Election Watcher

Colorado Revised Statutes §1-13-702

Any person who intentionally interferes with any election watcher (i.e., a person authorized under Colo. Rev. Stat. § 1-7-108 to maintain a list of eligible voters who have voted, to witness and verify each step in the conduct of the election, to challenge ineligible voters, and to assist in the correction of discrepancies) *commits a class 2 misdemeanor, as provided in Colo. Rev. Stat. §1-13-111.*

Tampering with Statewide Voter Registration System, Registration List, or Pollbook

Colorado Revised Statutes §1-13-703

Any person who mutilates or erases any name, figure, or word in any registration list or pollbook; or who removes a registration list or pollbook or any part thereof from the place where it has been deposited with an intention to destroy the same, or to procure or prevent the election of any person, or to prevent any voter from voting; or who destroys any registration list or pollbook or part thereof commits a class 1 misdemeanor.

Any person who knowingly accesses without authorization the statewide voter registration system commits a class 6 felony and shall be punished as provided in Colo. Rev. Stat. § 18-13-401.

Unlawfully Refusing Ballot or Permitting to Vote

Colorado Revised Statutes §1-13-704

If at any election provided by law any judge of election willfully and maliciously refuses or neglects to receive the ballot of any registered elector who has taken or offered to take the oath of a challenged elector, as prescribed in Colo. Rev. Stat. § 1-9-204, or knowingly and willfully permits any person to vote who is not entitled to vote at such election, such judge commits a class 1 misdemeanor.

Voting by Persons not Entitled to Vote

Colorado Revised Statutes §1-13-704.5

Any person who votes in any election provided by law knowing that they are not entitled to vote in such election commits a class 5 felony, punishable as provided in Colo. Rev. Stat. § 18-13-401.

Personating Elector

Colorado Revised Statutes §1-13-705

Any person who falsely assumes the identity of any elector and votes at any election provided by law under the name of such elector *commits a class 1 misdemeanor.*

Inducing Defective Ballot

Colorado Revised Statutes §1-13-707

Any person who fraudulently induces a voter to deposit a defective ballot so as to have the ballot thrown out and not counted *commits a class 2 misdemeanor, as provided in Colo. Rev. Stat. § 1-13-111.*

Tampering with Ballot Box

Colorado Revised Statutes §1-13-707.5

Any person who willfully tampers with or willfully breaks open any ballot box, including a drop-off location receptacle, is *guilty of a class 5 felony, punishable as provided in Colo. Rev. Stat. § 18-1.3-401.*

Tampering with Voting Equipment

Colorado Revised Statutes §1-13-708

Any person who accesses without authorization, tampers with, or who facilitates the unauthorized access to or tampering with any electronic or electromechanical voting equipment or an election-night reporting before, during or after any election provided by law is *guilty of a class 5 felony, punishable as provided in Colo. Rev. Stat. § 18-1.3- 401.*

Interference with Voter While Voting

Colorado Revised Statutes §1-13-711

Any person who interferes with any voter who is inside the immediate voting area or is marking a ballot or operating a voting device or electronic voting device at any election provided by law *commits a class 2 misdemeanor, as provided in Colo. Rev. Stat. § 1-13- 111.*

Disclosing or Identifying Vote

Colorado Revised Statutes §1-13-712

No person shall place any mark upon his or her ballot by means of which it can be identified as the one voted by him or her, and no other mark shall be placed on the ballot by any person to identify it after it has been prepared for voting.

No person shall endeavor to induce any voter to show how he marked his ballot.

No election official, election watcher or person shall reveal to any other person the name of any candidate for whom a voter has voted or communicate to another his opinion, belief, or impression as to how or for whom a voter has voted.

Any person who violates any of the foregoing provisions commits a class 2 misdemeanor, as provided in Colo. Rev. Stat. § 1-13-111.

Voter Intimidation

Colorado Revised Statutes §1-13-713

It is unlawful for any person by himself or on his behalf to impede, prevent, or otherwise interfere with the free exercise of the elective franchise of any elector or to compel, induce, or prevail upon any elector either to give or refrain from giving his vote in general or vote to any particular person or measure at any election.

A violation of this provision is a class 1 misdemeanor.

Electioneering

Colorado Revised Statutes §1-13-714

No person may engage in any electioneering on the day of the election or during the time when voting is occurring within any polling location or in any public manner within 100 feet of any polling location. Electioneering includes campaigning for or against any candidate who is on the ballot or for any ballot issue or question on the ballot.

Electioneering also includes soliciting signatures for a candidate position, recall petition, or a petition to place a ballot issue or ballot question on a subsequent ballot. Electioneering does not include a respectful display of the American flag.

A violation of this provision is a class 2 misdemeanor, as provided in Colo. Rev. Stat. § 1- 13-111.

Removing and Return of Ballot

Colorado Revised Statutes §1-13-714

No person may remove any official ballot from the polling location before closing of polls.

A violation of this provision is a class 2 misdemeanor, as provided in Colo. Rev. Stat. § 1- 13-111.

Liquor In or Near Voter Service and Polling Center

Colorado Revised Statutes §1-13-715

It is unlawful for any election official or other person to introduce into any polling location, or to use therein, or to offer to another for use therein, at any time while an election is in progress or the result thereof is being ascertained by the counting of the ballots, any intoxicating malt, spirituous, or vinous liquors (e.g., beer, wine or spirits).

Any person who violates this provision commits a class 2 misdemeanor, as provided in Colo. Rev. Stat. § 1-13-111.

Destroying, Removing, or Delaying Delivery of Election Records

Colorado Revised Statutes §1-13-716

No person shall willfully destroy, deface, or alter any ballot or any election records or willfully delay the delivery of any such ballots or election records, or take, carry away, conceal, or remove any ballot, ballot box, or election records from the polling location or drop-off location or from the possession of a person authorized by law to have the custody thereof, or aid, counsel, procure, advise, or assist any person to do any of the aforesaid acts.

Any person who violates this provision commits a class 1 misdemeanor.

Destruction of Supplies

Colorado Revised Statutes §1-13-717

Any person who, during an election, willfully defaces, tears down, removes, or destroys any card of instruction or sample ballot printed or posted for the instruction of voters or who, during an election, willfully removes or destroys any of the supplies or conveniences furnished to enable a voter to prepare the voter's ballot or willfully hinders the voting of others *commits a class 2 misdemeanor, punishable as provided in Colo. Rev. Stat. § 1-13-111.*

Release of Information Concerning Count

Colorado Revised Statutes §1-13-718

Any election official, watcher, or other person who releases information concerning the count of ballots cast at polling locations or of mail-in or mail voters' ballots prior to 7 p.m. on the day of the election upon conviction shall be punished as provided in section 1-13-111.

Unlawfully Giving or Promising Money or Employment to Vote or Refrain from Voting Colorado Revised Statutes §1-13-720

It is unlawful for any person, directly or indirectly, individually or through any other person:

- to, or offer to, pay, loan, or contribute money or other valuable consideration to or for any elector or person to induce them to vote or refrain from voting, or voting for any particular person or for having already done so.
- to advance or to pay, or cause to be paid, any person with money or valuable thing with the intent that such payment or part of such be used in bribery at any election provided by law or to knowingly pay, or cause to be paid, any money or valuable thing to any person in discharge or repayment of any money wholly or partially expended in a bribery at such election.
- to give, offer, promise, procure, or endeavor to procure any office, place, or employment to or for any elector or person in order to induce them to vote or refrain from voting, or refrain from voting for any particular person in any election provided by law.

A violation of this provision is a class 2 misdemeanor, as provided in Colo. Rev. Stat. § 1- 13-111.

Unlawfully Facilitating the Trading of Votes Colorado Revised Statutes §1-13-720

It is unlawful for any person, directly or indirectly, individually or through any other person to facilitate the trading of votes between an elector in this state or person in another in exchange for the other person's vote for or against a particular candidate, ballot issue, or ballot question.

A violation of this section is a petty offense.

Destruction of Ballots

Colorado Revised Statutes §1-13-723

Any official or person, except one authorized by law, who breaks or loosens a seal on a ballot or a ballot box with the intent to disclose or learn the number of such ballot or ballot box *commits a class 2 misdemeanor, as provided in Colo. Rev. Stat. § 1-13-111.*

Unlawfully Carrying a Firearm at a Polling Location or Drop Box

Colorado Revised Statutes §1-13-724

It is unlawful for any person to openly carry a firearm, as defined in Colo. Rev. Stat. § 18-1-901(3)(h), within any polling location, central count facility 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. This section does not apply to law enforcement or security officers properly working within the scope of their employment and authority.

Any person who violates this section is guilty of a misdemeanor, punishable by a fine of not more than \$1000, or by imprisonment in county jail for not more than 364 days, or by both fine and imprisonment; except that, for a first offense, the fine shall not exceed \$250 and the sentence of imprisonment shall not exceed 120 days.

Acknowledgements

Thank you to the law enforcement officers and election officials who contributed to the creation of this pocket guide.

About the Committee for Safe and Secure Elections

The Committee for Safe and Secure Elections features cross-partisan experts in election administration and law enforcement who aim to support policies and practices that protect election workers and voters from violence, threats, and intimidation. The Committee also works to build relationships and trust between election officials and law enforcement to better equip both to prevent and respond to threats and violence against voters and election workers.



Committee for
**SAFE AND SECURE
ELECTIONS**

