

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0363.01 Jane Ritter x4342

HOUSE BILL 22-1086

HOUSE SPONSORSHIP

Sullivan and Bacon,

SENATE SPONSORSHIP

Fields,

House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

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.

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. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) The Colorado constitution guarantees free and open elections;

5 (b) All Coloradans should be able to exercise their fundamental
6 right to vote freely and safely;

7 (c) Openly carried firearms in or near polling locations and drop
8 boxes may intimidate, threaten, or coerce voters, affecting Coloradans'
9 exercise of their voting rights; and

10 (d) In part because of these concerns, states have regulated
11 firearms at polling locations since the nineteenth century.

12 (2) Therefore, the general assembly declares that regulating
13 openly carried firearms at polling locations and drop boxes is
14 substantially related to the general assembly's interest in providing an
15 environment that is safe and free from intimidation for all Colorado
16 voters and ensuring their right to vote.

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

19 **1-13-724. Unlawfully carrying a firearm at a polling location**
20 **or drop box - exception.** (1) (a) IT IS UNLAWFUL FOR ANY PERSON TO
21 OPENLY CARRY A FIREARM, AS DEFINED IN SECTION 18-1-901 (3)(h),
22 WITHIN ANY POLLING LOCATION, OR WITHIN ONE HUNDRED FEET OF A DROP

1 BOX OR ANY BUILDING IN WHICH A POLLING LOCATION IS LOCATED, AS
2 PUBLICLY POSTED BY THE DESIGNATED ELECTION OFFICIAL, ON THE DAY
3 OF ANY ELECTION OR DURING THE TIME WHEN VOTING IS PERMITTED FOR
4 ANY ELECTION.

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

12 (c) THIS SUBSECTION (1) DOES NOT APPLY TO A PERSON WHO
13 OPENLY CARRIES A FIREARM THAT THE PERSON OWNS ON THE PERSON'S
14 PRIVATE PROPERTY THAT IS WITHIN THE ONE-HUNDRED-FOOT BUFFER
15 ZONE OR WHILE TRAVELING DIRECTLY BETWEEN THE PERSON'S PRIVATE
16 PROPERTY AND A PLACE OUTSIDE THE ONE-HUNDRED-FOOT BUFFER ZONE.

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

21 (3) ANY PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
22 MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY
23 A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS, OR BY
24 IMPRISONMENT IN THE COUNTY JAIL FOR NOT MORE THAN THREE HUNDRED
25 SIXTY-FOUR DAYS, OR BY BOTH FINE AND IMPRISONMENT.

26 **SECTION 3. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.