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PUBLIC ADVISORY ON
VOTER INTIMIDATION CRIMES AND POLL CENTER SECURITY

– Issued October 14, 2024 –

This Public Advisory replaces the Public Advisory on Voter Intimidation Crimes and Poll Center Security issued on June 5, 2022, to account for the enactment of S.B. 23-276 and S.B. 24-131.

Attorney General Phil Weiser issues this Public Advisory on criminal enforcement of voter intimidation crimes and poll center security. Colorado law, under the Uniform Election Code of 1992, guarantees the rights of Coloradans to vote safely and securely without feeling threatened, intimidated, or pressured. This Advisory provides guidance on the crime of voter intimidation, its penalties, and how to report violations should a person witness or be a victim of voter intimidation at a voter service and polling center (“polling center”) or elsewhere. Colorado’s voting process is easy-to-use, safe, and secure, and voters are entitled to cast their votes absent any pressure, intimidation, or threatening behavior. The State intends to ensure the security of Colorado’s voting process and will protect electors’ rights to vote comfortably and safely. As such, the State will enforce the law and will prosecute persons for intimidating voters.

VOTER INTIMIDATION

The Colorado Uniform Election Code protects the safety and security of Colorado’s voting process, ballots, and voters. Intimidating a voter is a crime under both federal and Colorado law.ⁱ Colorado law provides that voter intimidation occurs when a person—either directly, indirectly, or through another person acting on their behalf—acts to: (1) interfere, impede, or prevent the free exercise of voting by any elector; or (2) compel, induce, or pressure an elector to (a) vote, (b) refrain from voting, or (c) vote for or against a particular candidate or ballot initiative.ⁱⁱ Voter intimidation is a Class 1 misdemeanor offense—enforceable by the State’s District Attorneys and Attorney Generalⁱⁱⁱ—punishable by a fine of up to \$1,000, up to 364 days imprisonment, or both.^{iv}

PUBLIC QUESTIONS

What Are Some Examples of Voter Intimidation? Voter intimidation includes, but is not limited to: threatening to harm a voter if they do or do not vote for a certain candidate; yelling at or harassing a voter to frighten them to either not vote at

all, or to vote for or against a particular candidate or ballot measure; aggressively entering a voter's personal space to frighten or pressure the voter to influence their choice to vote; menacingly blocking or standing next to a polling center door, U.S. Postal Service mailbox, or ballot drop box to discourage a voter from entering the polling center or dropping off a mail ballot; or aggressively confronting a voter with questions or harassment about their qualifications to vote or how they voted in the case of a voter attempting to drop off a mail ballot. These actions are illegal voter intimidation and will not be tolerated. If you see voter intimidation occur, please report such actions to polling center election officials, local law enforcement, and the Attorney General's Office.

Can Someone Approach Me at a Polling Center and Encourage Me to Vote for or Against a Candidate or Initiative? No, a person may not campaign for a candidate or ballot measure inside a polling center, or within 100 feet of the building a polling center is located in.^v Regardless of the location, it is illegal for a person to threateningly or aggressively confront a voter with questions about matters such as the voter's citizenship, age, party registration, religion, or how they intend to vote or voted in the case of a voter attempting to mail or drop off a voted ballot. Such actions are illegal voter intimidation and subject to prosecution.

Can Voter Intimidation Only Occur Inside a Polling Center? No, any type of intimidation of a voter to influence how or whether they vote—whether occurring inside a polling center, outside a polling center, at a U.S. Postal Service mailbox, ballot drop box, or a designated drop-off location, or even through misleading phone calls, texts, or emails to a voter—may constitute voter intimidation. Examples of illegal voter intimidation that may occur outside of a polling center include: texting voters deliberately false information about voting locations; calling voters to tell them that they must have an identification card or be vaccinated in order to vote; or brandishing a weapon in a manner to frighten and dissuade voters from entering a polling center or approaching a U.S. Postal Service mailbox or ballot drop box.

Can Any Person Simply Arrive at a Polling Center and Claim to be an "Election Watcher"? No. In Colorado, for a person to be an official election watcher,^{vi} they must be an eligible elector who has been appointed by a political party, unaffiliated or write-in candidate, or registered issue committee; have their name certified to the county clerk and recorder on an official list; complete a training before observing certain election activities; and present their certificate to the election judges at the time they enter the polling center and are sworn in by the judges. Only certified, trained, and sworn election watchers are permitted to officially observe certain election activities in a polling center.^{vii} A person may not simply show up, without certification, at a polling center and claim to be or act as if they are an official election watcher.

Under Senate Bill 23-276, official election watchers may not engage in activities such as using a mobile phone or electronic device to record pictures or videos in a polling location where voters' confidential or personally identified information is within view.^{viii}

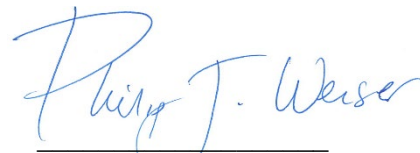
Are Election Watchers Permitted to Pressure or Coerce Voters? No. Official election watchers are subject to the same laws prohibiting voter intimidation as those

that apply to all other persons. No person, including election officials, other voters, election watchers, law enforcement officers, or other government officials may intimidate a voter. Official election watchers must also follow other laws and rules governing how to watch election activities.

May Firearms Be Brought into a Polling Center? Under Senate Bill 24-131, it is now unlawful for any person to carry a firearm, regardless of whether concealed or open carry: (1) in a polling location; (2) within 100 feet of a ballot drop box; (3) or in any building in which a polling location is located. This prohibition is in effect on the day of any election and during any time when voting is permitted. Certain exceptions are provided for persons on their private property, uniformed security guards, and peace officers. Violations are punishable by a fine of up to \$1,000, imprisonment up to 364 days, or both. First time offenses are punishable by a fine of up to \$250, imprisonment up to 120 days, or both.^{ix}

REPORTING ACTS OF VOTER INTIMIDATION

If you witness a person who attempts to interfere with your, or another person's, right to vote, whether at a polling center or elsewhere, please contact your local law enforcement agency or county clerk and recorder for immediate assistance, or you may contact the Colorado Attorney General's Office at (720) 508-6000 or, for English language, please visit <https://coag.gov/about-us/contact-colorado-office-attorney-general/> or for Español, please visit <https://coag.gov/resources/recursos-en-espanol/>. If an emergency is occurring, please call 911.



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ⁱ 18 U.S.C. § 594; COLO. REV. STAT. § 1-13-713.

ⁱⁱ COLO. REV. STAT. § 1-13-713.

ⁱⁱⁱ *Id.* § 101.

^{iv} *Id.* § 18-1.3-501(1)(a.5).

^v *Id.* § 1-13-714(1).

^{vi} *Id.* § 1-4-104(51).

^{vii} *Id.* § 1-7-106.

^{viii} *Id.* § 108.

^{ix} *Id.* § 1-13-724.