

Second Regular Session
Sixty-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 04-0296.01 Bob Lackner

SENATE BILL 04-031

SENATE SPONSORSHIP

Keller, and Hillman

HOUSE SPONSORSHIP

Berry, and Jahn

Senate Committees

State Veterans & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE ELECTION OFFENSE OF MAKING FALSE STATEMENTS**
102 **DESIGNED TO AFFECT THE VOTE AS PROSCRIBED BY SECTION**
103 **1-13-109, COLORADO REVISED STATUTES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Expands the existing election offense governing false statements, which currently proscribes certain conduct performed "knowingly", to prohibit any person from "recklessly" making, publishing, broadcasting, or circulating or causing to make, publish, broadcast, or circulate in any form of communication any false statement designed to affect the vote on any issue submitted to the electors at any election or relating to any candidate for election to public office. Specifies that, for purposes of the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

act, a person acts recklessly when he or she acts in conscious disregard of the truth or falsity of the statement made, published, broadcasted, or circulated.

Expands the existing election offense proscribing the knowing circulation of false statements in any writing to include any form of communication. Expands the existing election offense to include knowingly broadcasting or causing to broadcast false statements among the means of disseminating information that must be shown to prove the commission of a violation under the offense.

Increases the existing penalty for committing knowing violations of the offense from a class 2 to a class 1 misdemeanor.

Specifies that any person who engages in reckless conduct in violation of the act commits a class 2 misdemeanor.

Makes a conforming amendment. Defines a term.

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

2 **SECTION 1.** 1-13-109, Colorado Revised Statutes, is amended
3 to read:

4 **1-13-109. False statements relating to candidates or questions**
5 **submitted to electors - penalties.** (1) (a) No person shall knowingly
6 make, publish, BROADCAST, or circulate or cause to be made, published,
7 BROADCASTED, or circulated in any letter, circular, advertisement, or
8 poster or in any other ~~writing~~ COMMUNICATION any false statement
9 designed to affect the vote on any issue submitted to the electors at any
10 election or relating to any candidate for election to public office.

11 ~~(2)~~ (b) Any person who ~~knowingly~~ violates any provision of
12 PARAGRAPH (a) OF this ~~section~~ SUBSECTION (1) commits a ~~class 2~~ CLASS
13 1 misdemeanor and, upon conviction thereof, shall be punished as
14 provided in section 18-1.3-501, C.R.S.

15 (2) (a) NO PERSON SHALL RECKLESSLY MAKE, PUBLISH,
16 BROADCAST, OR CIRCULATE OR CAUSE TO BE MADE, PUBLISHED,
17 BROADCASTED, OR CIRCULATED IN ANY LETTER, CIRCULAR,

1 ADVERTISEMENT, OR POSTER OR IN ANY OTHER COMMUNICATION ANY
2 FALSE STATEMENT DESIGNED TO AFFECT THE VOTE ON ANY ISSUE
3 SUBMITTED TO THE ELECTORS AT ANY ELECTION OR RELATING TO ANY
4 CANDIDATE FOR ELECTION TO PUBLIC OFFICE. NOTWITHSTANDING ANY
5 OTHER PROVISION OF LAW, FOR PURPOSES OF THIS SUBSECTION (2), A
6 PERSON ACTS "RECKLESSLY" WHEN HE OR SHE ACTS IN CONSCIOUS
7 DISREGARD OF THE TRUTH OR FALSITY OF THE STATEMENT MADE,
8 PUBLISHED, BROADCASTED, OR CIRCULATED.

9 (b) ANY PERSON WHO VIOLATES ANY PROVISION OF PARAGRAPH (a)
10 OF THIS SUBSECTION (2) COMMITS A CLASS 2 MISDEMEANOR AND, UPON
11 CONVICTION THEREOF, SHALL BE PUNISHED AS PROVIDED IN SECTION
12 18-1.3-501, C.R.S.

13 (3) FOR PURPOSES OF THIS SECTION, "PERSON" MEANS ANY
14 NATURAL PERSON, PARTNERSHIP, COMMITTEE, ASSOCIATION,
15 CORPORATION, LABOR ORGANIZATION, POLITICAL PARTY, OR OTHER
16 ORGANIZATION OR GROUP OF PERSONS.

17 **SECTION 2. Effective date - applicability.** This act shall take
18 effect July 1, 2004, and shall apply to statements made, published,
19 broadcasted, or circulated on or after said date.

20 **SECTION 3. Safety clause.** The general assembly hereby finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, and safety.