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West's Arkansas Code Annotated Currentness

Title 7. Elections

Chapter 1. General Provisions (Refs &amp; Annos)

## → § 7-1-103. Misdemeanors

(a) The violation of any of the following shall be deemed misdemeanors punishable as provided in this section:

(1) It shall be unlawful for any person to appoint or offer to appoint anyone to any office or position of trust or for any person to influence, attempt to influence, or offer to influence the appointment, nomination, or election of any person to office in consideration of the support or assistance of the person for any candidate in any election in this state;

(2)(A) It shall be unlawful for any public servant, as defined in § 21-8-402, to devote any time or labor during usual office hours toward the campaign of any other candidate for office or for the nomination to any office; and

(B) It shall be unlawful for any public servant, as defined in § 21-8-402, to circulate an initiative or referendum petition or to solicit signatures on an initiative or referendum petition in any public office of the state, county, or municipal governments of Arkansas or during the usual office hours or while on duty for any state agency or any county or municipal government in Arkansas;

(3) It shall be unlawful for any public servant, as defined in § 21-8-402, to use any office or room furnished at public expense to distribute any letters, circulars, or other campaign materials unless such office or room is regularly used by members of the public for such purposes without regard to political affiliation. It shall further be unlawful for any public servant to use for campaign purposes any item of personal property provided with public funds;

(4) It shall be unlawful for any person to assess any public employee, as defined in § 21-8-402, for any political purpose whatever or to coerce by threats or otherwise any public employee into making a subscription or contribution for any political purpose;

(5) It shall be unlawful for any person employed in any capacity in any department of the State of Arkansas to have membership in any political party or organization which advocates the overthrow of our constitutional form of government;

(6) It shall be unlawful for any campaign banners, campaign signs, or other campaign literature to be placed on any cars, trucks, tractors, or other vehicles belonging to the State of Arkansas or any municipality or county in the state;

(7)(A) All articles, statements, or communications appearing in any newspaper printed or circulated in this state or on radio, television, or any other electronic medium intended or calculated to influence the vote of any elector in any election and for the publication of which a consideration is paid or to be paid shall clearly contain the words "Paid Political Advertisement" or "Paid Political Ad".

(B) Both the persons placing and the persons publishing the articles, statements, or communications shall be

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responsible for including the required disclaimer;

(8) Repealed by Acts of 1999, Act 1525, § 1, eff. July 30, 1999.

(9)(A) No election official acting in his official capacity shall do any electioneering on any election day or any day on which early voting is allowed. Except as provided in subdivisions (B) and (C) of this subdivision (a)(9), no person shall hand out or distribute or offer to hand out or distribute any campaign literature or any literature regarding any candidate or issue on the ballot, solicit signatures on any petition, solicit contributions for any charitable or other purpose, or do any electioneering of any kind whatsoever in the building or within one hundred feet (100') of the primary exterior entrance used by voters to the building containing the polling place on election day.

(B) During early voting days, no person shall hand out or distribute or offer to hand out or distribute any campaign literature or any literature regarding any candidate or issue on the ballot, solicit signatures on any petition, solicit contributions for any charitable or other purpose, or do any electioneering of any kind whatsoever during early voting hours in the building or within one hundred feet (100') of the primary exterior entrance used by voters to the building containing the early voting site nor engage in those activities with persons standing in line to vote whether within or without the courthouse.

(C) When the early voting occurs at a facility other than the county clerk's office, no person shall hand out or distribute or offer to hand out or distribute any campaign literature or any literature regarding any candidate or issue on the ballot, solicit signatures on any petition, solicit contributions for any charitable or other purpose, or do any electioneering of any kind whatsoever in the building or within one hundred feet (100') of the primary exterior entrance used by voters to the building containing the polling place;

(10) No election official shall perform any of the duties of the position before taking and subscribing to the oath provided for in § 7-4-110;

(11) No person applying for a ballot shall swear falsely to any oath administered by the election officials with reference to his or her qualifications to vote;

(12) No person shall willfully cause or attempt to cause his own name to be registered in any other election precinct than that in which he is or will be before the next ensuing election qualified as an elector;

(13) During any election, no person shall remove, tear down, or destroy any booths or supplies or other conveniences placed in any booth or polling site for the purpose of enabling the voter to prepare his ballot;

(14) No person shall take or carry any ballot obtained from any election official outside of the polling room or have in his possession outside of the polling room before the closing of the polls any ballot provided by any county election commissioners;

(15) No person shall furnish a ballot to any elector who cannot read informing him that it contains a name or names different from those which are written or printed thereon or shall change or mark the ballot of any elector who cannot read so as to prevent the elector from voting for any candidate, act, section, or constitutional amendment as the elector intended;

(16) No election official or other person shall unfold a ballot or without the express consent of the voter ascertain or attempt to ascertain any vote on a ballot before it is placed in the ballot box;

(17) No person shall print or cause to be printed any ballot for any election held under this act with the names of

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the candidates appearing thereon in any other or different order or manner than provided by this act;

(18) No election official shall permit the vote of any person to be cast in any election precinct in this state in any election legally held in this state when the person does not appear in person at the election precinct and actually cast the vote. This subdivision shall not apply to persons entitled to cast absentee ballots;

(19)(A) No person shall vote or offer to vote more than one (1) time in any election held in this state, either in person or by absentee ballot, or shall vote in more than one (1) election precinct in any election held in this state.

(B) No person shall cast a ballot or vote in the preferential primary of one (1) political party and then cast a ballot or vote in the general primary of another political party in this state;

(20) No person shall:

(A) Vote, knowing himself not to be entitled to vote;

(B) Vote more than once at any election, or knowingly cast more than one (1) ballot, or attempt to do so;

(C) Alter or attempt to alter any ballot after it has been cast;

(D) Add or attempt to add any ballot to those legally polled at any election either by fraudulently introducing it into the ballot box before or after the ballots have been counted or at any other time or in any other manner with the intent or effect of affecting the count or recount of the ballots;

(E) Withdraw or attempt to withdraw any ballot lawfully polled with the intent or effect of affecting the count or recount of the ballots; or

(F) In any manner interfere with the officials lawfully conducting the election or the canvass or with the voters lawfully exercising their right to vote at the election;

(21) No person shall make any bet or wager upon the result of any election in this state;

(22) No election official, poll watcher, or any other person in or out of this state in any primary, general, or special election in this state shall divulge to any person the results of any votes cast for any candidate or on any issue in the election until after the closing of the polls on the day of the election. The provisions of this subdivision (22) shall not apply to any township or precinct in this state in which all of the registered voters therein have voted prior to the closing of the polls in those instances where there are fifteen (15) or fewer registered voters in the precinct or township; and

(23) Any person, election official, county clerk, or deputy clerk who violates any provisions of the absentee voting laws, § 7-5-401 et seq., shall be punished as provided in this section.

(b)(1) Except as otherwise provided, the violation of any provision of this section shall be a Class A misdemeanor.

(2)(A) Any person convicted under the provisions of this section shall thereafter be ineligible to hold any office or employment in any of the departments in this state.

(B)(i) If any person is convicted under the provisions of this section while employed by any of the departments of this state, he shall be removed from employment immediately.

(ii) If any person is convicted under the provisions of this section while holding public office, the conviction

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shall be deemed a misfeasance and malfeasance in office and shall subject the person to impeachment.

(c) Any violation of this act not covered by this section and § 7-1-104 shall be considered a Class A misdemeanor and shall be punishable as such.

Acts of 1969, Act 465, Art. 11, § 4; Acts of 1970 (Ex. Sess.), Act 3, § 1; Acts of 1971, Act 261, § 24; Acts of 1981, Act 327, § 1; Acts of 1987, Act 395, § 1; Acts of 1989, Act 505, § 2; Acts of 1991, Act 241, § 2; Acts of 1991, Act 786, § 4; Acts of 1995, Act 497, § 1; Acts of 1995, Act 1085, § 1; Acts of 1997, Act 445, § 2; Acts of 1997, Act 1121, § 1; Acts of 1999, Act 553, § 1, eff. July 30, 1999; Acts of 1999, Act 1525, § 1, eff. July 30, 1999; Acts of 2001, Act 795, § 1, eff. Aug. 13, 2001; Acts of 2001, Act 926, § 1, eff. Aug. 13, 2001; Acts of 2001, Act 1839, § 1, eff. April 20, 2001; Acts of 2005, Act 1284, § 1, eff. Aug. 12, 2005.

Formerly A.S.A. 1947, § 3-1104.

#### CROSS REFERENCES

Arkansas ethics commission, see § 7-6-217.

Campaign practices pledge, falsification, see § 7-6-102.

Citizen complaints filed with Arkansas Ethics Commission, see § 7-6-218.

Classification of offenses, determinate sentencing, misdemeanors and felonies, see § 5-4-401.

Election and voter registration law violations, see § 7-4-118.

Fines, restitution and imprisonment, punishment for misdemeanors and felonies generally, see § 5-4-104.

State Board of Election Commissioners; members; officers; meetings, see § 7-4-101.

#### LIBRARY REFERENCES

Elections ↪332.

Westlaw Key Number Search: 144k332.

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## A.C.A. § 7-1-103

## 1. Electioneering

Evidence in proceeding alleging abridgment of right to vote established that county election officials did not prohibit voters from carrying voting aids into polling place but only that officials complied with Arkansas statute prohibiting handing out or distributing of campaign literature within 100 feet of polling place on election day. A.C.A. § 7-1-103(9). *McGruder v. Phillips County Election Com'n*, 1988, 850 F.2d 406. Counties ⤵ 38

## 2. Waiver of secrecy

Where it was impossible in primary election contest to identify ballot of voter, whose vote was challenged on ground that he had voted in wrong precinct, because his ballot stub could not be found, court properly permitted voter to waive secrecy of his ballot and state what candidate he voted for. *Wood v. Brown*, 1962, 235 Ark. 258, 235 Ark. 500, 361 S.W.2d 67. Elections ⤵ 154(10)

## 3. Domicile

Intention of a person as to where he resides is a question of fact. *Phillips v. Melton*, 1953, 222 Ark. 162, 257 S.W.2d 931. Domicile ⤵ 11

Where contestee in primary election contest questioned votes of two voters, who were husband and wife, and proved that they had been living in another state for nine years before election, trial court properly refused to allow contestant to show that voters had subjective intent to maintain residence in county of election, since proffered proof would not have established voters' right to vote in that county. *Wood v. Brown*, 1962, 235 Ark. 258, 235 Ark. 500, 361 S.W.2d 67. Elections ⤵ 154(10)

In election contest involving office of school director, evidence was sufficient to support finding that certain voters had not abandoned domicile in school district, even though they were living in another city. Ark.Stats. §§ 80-311, 80-318, 80-321. *Phillips v. Melton*, 1953, 222 Ark. 162, 257 S.W.2d 931. Elections ⤵ 295(1)

## 4. Betting on elections

Exceptionally strong case is made in primary election contest when losing candidate proves that election judge bet on outcome in violation of statutes. Ark.Stats. §§ 3-704, 3-801 et seq., 3-1516. *Wood v. Brown*, 1962, 235 Ark. 258, 235 Ark. 500, 361 S.W.2d 67. Elections ⤵ 154(10)

Betting on results of elections, including primary elections, is illegal and void, *Crawford & Moses' Dig.* § 3890. *Williams v. Kagy*, 1928, 176 Ark. 484, 3 S.W.2d 332. Gaming ⤵ 5

Wagers upon elections, then pending, are calculated to endanger the peace and harmony of society, and have a corrupting influence on the public morals, and have uniformly been considered as contrary to sound policy. *Jeffrey v. Ficklin*, 1841, 3 Ark. 227, 36 Am.Dec. 456, Unreported. Elections ⤵ 315

## 5. Availability of ballots

When ballots are not available in primary election contest, electors may be called to testify for whom they voted. *Wood v. Brown*, 1962, 235 Ark. 258, 235 Ark. 500, 361 S.W.2d 67. Elections ⤵ 154(10)

## 6. Intimidation of voter

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Where voter on entering polling place told election judge that she was going to vote for one candidate and election judge told her that her husband had voted for another candidate and that her candidate would "tear up our school" and, as a result, voter cast her ballot for candidate recommended by election judge, discarding her vote was proper. Ark.Stats. § 3-1415. *Phillips v. Melton*, 1953, 222 Ark. 162, 257 S.W.2d 931. Elections ⇨ 227(9)

#### 7. Unlawful voting

Contention that voter improperly cast absentee ballot because he allegedly was not unavoidably absent from his precinct on election day was presented too late, where raised for first time on appeal and long after time for filing complaint in primary election contest. *Wood v. Brown*, 1962, 235 Ark. 258, 235 Ark. 500, 361 S.W.2d 67. Elections ⇨ 154(6)

#### 8. Unofficial ballots

Complete lists of all primary election candidates for each state, district and county office, distributed at political meeting by defendant telling audience for whom to vote in each case, were unofficial "ballots" within statute prohibiting distribution of "ballots" outside of ballots ordered for use in election for purpose of instructing voters how to vote, notwithstanding that official ballots were printed and that lists were mimeographed, and that lists did not have official designation as ballot to be used in Democratic Primary appearing on official ballots, and that one office on list appeared at different place than on official ballot. *Pope's Dig. § 4873. Branton v. State*, 1949, 214 Ark. 861, 218 S.W.2d 690, certiorari denied 70 S.Ct. 155, 338 U.S. 878, 94 L.Ed. 538. Elections ⇨ 320

#### 9. Offenses by officers

Granting of recount in primary election contest does not violate rule that voters are not to be disfranchised by misconduct of election official. *Wood v. Brown*, 1962, 235 Ark. 258, 235 Ark. 500, 361 S.W.2d 67. Elections ⇨ 154(2)

*Kirby's Dig. § 2825* creates two separate offenses, one for making a false count of the ballots and one for falsely certifying the election returns. *State v. Doughty*, 1918, 134 Ark. 435, 204 S.W. 968. Elections ⇨ 314

Falsifying election returns and making a false count of votes held separate offenses under Acts 1909, p. 507, § 4, making it a felony to falsify returns or make a false count of ballots. *Kelly v. State*, 1912, 102 Ark. 651, 145 S.W. 556. Elections ⇨ 314

Under Acts 1909, c. 165, section 4, providing that any judge or clerk who shall falsify the "returns" of a primary election shall be deemed guilty of a felony, etc., the returns consist of the poll books in which is entered the certificate of the officer conducting the election, together with a list of voters and one or more of the tally sheets, which are required to be carefully enveloped, sealed and delivered to the officer or board designated by the statute. *Kelly v. State*, 1912, 102 Ark. 651, 145 S.W. 556. Elections ⇨ 314

Under the primary election law, Acts 1909, c. 165, section 4, the offenses of falsifying the returns of a primary election and of knowingly making a false count of the ballots cast are separate and distinct. *Kelly v. State*, 1912, 102 Ark. 651, 145 S.W. 556. Elections ⇨ 314

*Kirby's Digest, § 1667*, imposing a penalty upon any judge or clerk of any election who "shall neglect, improperly delay or refuse to perform any of the duties required by law," etc., is inapplicable to school elections not conducted under the general election law, as provided by *Kirby's Digest, § 7591. Brown v. Haselman*, 1906, 79 Ark. 213, 95 S.W. 136. Elections ⇨ 323

In a declaration against a judge of elections for the statutory penalty for permitting an elector to vote twice, it is

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sufficient to charge that he did so "intentionally, wrongfully, and from motives of partiality, contrary to the form," etc., without averring the name of the person for whom the elector voted. *Kirkpatrick v. Stewart*, 1858, 19 Ark. 695, Unreported. Elections ⇨ 323

In a declaration for a penalty, under Eng.Dig. c. 61, § 28, it is sufficient to charge that the defendant took out the ballots and counted them before the polls were closed and the poll books signed, "intentionally, knowingly, and contrary to the form," etc., without averring that he acted corruptly and maliciously. *Kirkpatrick v. Stewart*, 1858, 19 Ark. 695, Unreported. Elections ⇨ 323

A declaration in an action of debt against a judge of elections, under Eng.Dig. c. 61, § 28, to recover the penalty prescribed for neglect of duty and misbehavior in office in appointing a minor clerk, is sufficient if it charges that he did so "knowingly, willfully, wrongfully, and contrary to the form," etc., without charging that he did so corruptly and maliciously. *Kirkpatrick v. Stewart*, 1858, 19 Ark. 695, Unreported. Elections ⇨ 323

## 10. Transportation of ballots

Statute in effect at time of election did not criminalize allegedly improper transportation of ballots by sheriff who was candidate for reelection in contested race, but rather merely noted that sheriff running for reelection in contested election would be "disqualified" from carrying out duties to deliver election supplies; statute did not specifically prohibit any act on part of sheriff. A.C.A. § 7-5-211(a) (1996). *State ex rel. Sargent v. Lewis*, 1998, 979 S.W.2d 894, 335 Ark. 188. Elections ⇨ 314

Allegations that sheriff violated election laws by delivering ballots to precinct himself when he was candidate for re-election did not create forfeiture of office, by law, so as to support usurpation action, absent any actual conviction of election law violations. A.C.A. §§ 7-1-103(28, 29), 7-1-104, 7-5-211, 16-118-105. *Sargent v. Foster*, 1998, 966 S.W.2d 263, 332 Ark. 608. *Sheriffs And Constables* ⇨ 6

## 11. Sufficiency of evidence

In prosecution for introducing fraudulent ballots in primary election with intent to affect count or recount of ballots, evidence on questions whether defendant had clipped name of unopposed candidate for township committeeman from certain ballots, and had encouraged certain voter to mark ballot for certain candidates was insufficient for jury. Ark.Stats. § 3-1525. *Williams v. State*, 1953, 222 Ark. 458, 261 S.W.2d 263. Elections ⇨ 330

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Current through 2006 First Extraordinary Session of the 85th General Assembly, including changes made by the Arkansas code Revision Commission as a result of the 2006 First Extraordinary Session.

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**C**

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Title 7. Elections

Chapter 1. General Provisions (Refs &amp; Annos)

**→ § 7-1-104. Felonies**

(a) The following offenses shall be deemed felonies punishable as provided in this section:

(1) No person shall falsely make or fraudulently destroy any certificate of nominations or any part thereof, file any certificate of nominations knowing the certificate or any part thereof to be false, suppress any nomination or any part thereof which has been filed, or forge or falsely write the name or initials of any election official on any ballot;

(2) No public official or other person shall in any manner willfully or corruptly permit any person not entitled to register for the purpose of voting to register, nor shall a public official or other person forge or attempt to forge a registration;

(3) No person shall vote in any election in the state unless the person is a qualified elector of this state and has registered to vote in the manner provided by law;

(4) It shall be unlawful for any person to offer, accept, receive, or pay any person any money, goods, wares, or merchandise or solicit any money, goods, wares, or merchandise for the purpose of influencing his or her vote during the progress of any election in this state;

(5) It shall be unlawful for any person to make any threat or attempt to intimidate any elector or the family, business, or profession of the elector;

(6) It shall be unlawful for any person to prevent or to interfere with any qualified elector from voting at any election or to attempt to prevent or interfere with any qualified elector from voting at any election, provided that this subdivision (a)(6) shall not prohibit good faith challenges of ballots or voters according to law by candidates, authorized representatives of candidates, political parties, or ballot issues;

(7) It shall be unlawful for any person to attend any polling site on election day and hand out or give away any campaign cards, placards, or other articles for the purpose of influencing the electors to vote for any candidate, except in the manner now provided by law;

(8) No person shall tamper with a voting machine or fraudulently affect or attempt to affect its results;

(9) No person may cast a ballot in more than one (1) party primary election on the same day in this state or for candidates for more than one (1) political party;

(10) No person shall vote in any election more than one (1) vote;

(11) No person shall vote or attempt to vote other than his or her legal ballot;

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(12) No election official shall knowingly permit any person to vote other than his or her legal ballot in any election;

(13) No election official or other person shall fraudulently permit any person to vote illegally, refuse the vote of any qualified elector, or cast up or make a false return of any election;

(14) No election official or other person shall willfully make a false count of any election ballots or falsely or fraudulently certify the returns of any election;

(15) No person shall fraudulently change, alter, or obliterate the poll books or books of any election or break any seals upon any ballot box, voting machine, or stub box, except as authorized by law;

(16) No person shall contrive, alter, forge, counterfeit, detain, mutilate, steal, secrete, or destroy any election returns or election materials for the purpose of hindering or preventing or falsely reporting a tabulation or check of the returns; and

(17) Any person who violates the provisions of § 7-5-702 or who shall disclose how any voter may have voted unless compelled to do so in a judicial proceeding shall be deemed guilty of a Class D felony and punished as provided in this section.

(b)(1) Any person convicted of a felony as defined in this section shall be guilty of a Class D felony.

(2)(A) Any person convicted of a felony as defined in this section shall be barred from holding public office or employment in any of the departments of the state from the date of his conviction.

(B)(i) If the person is employed by any of the departments of this state at the time of his conviction, he shall be removed from employment immediately.

(ii) If any person is convicted under the provisions of this section while holding public office, the conviction shall be deemed a misfeasance and malfeasance in office and shall subject the person to impeachment.

Acts of 1969, Act 465, Art. 11, § 5; Acts of 1995, Act 497, § 1; Acts of 1995, Act 1085, § 1; Acts of 1997, Act 445, § 3; Acts of 1999, Act 655, § 1, eff. July 30, 1999; Acts of 2001, Act 1553, § 17, eff. Aug. 13, 2001; Acts of 2003, Act 1458, § 1, eff. July 16, 2003; Acts of 2005, Act 1677, § 1, eff. Aug. 12, 2005.

Formerly A.S.A. 1947, § 3-1105.

#### HISTORICAL AND STATUTORY NOTES

##### 2005 Legislation

Technical changes were made to conform with the official Arkansas Code of 1987 as approved by the Arkansas Code Revision Commission.

#### CROSS REFERENCES

Campaign practices pledge, falsification, see § 7-6-102.

Classification of offenses, determinate sentencing, misdemeanors and felonies, see § 5-4-401.

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Fines, restitution and imprisonment, punishment for misdemeanors and felonies generally, see § 5-4-104.

#### LIBRARY REFERENCES

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#### NOTES OF DECISIONS

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##### 1. Vote buying

Evidence that defendant paid voter \$50 to obtain voter's blank absentee ballot and absentee voter statement was sufficient to support defendant's conviction of paying or offering to pay voter for voting, though voter did not personally complete absentee ballot by marking her candidate selections. Voting Rights Act of 1965, § 11(c), 42 U.S.C.A. § 1973i(c). U.S. v. Campbell, 1988, 845 F.2d 782, rehearing denied, certiorari denied 109 S.Ct. 490, 488 U.S. 965, 102 L.Ed.2d 527. Elections ↻ 316

Where it had never been suggested that all or substantial number of contributors to political party made their contributions with end in view of having their money spent to violate election laws, court could not presume that they did so and disclosure of all contributors and amount of all contributions was not relevant or justified, even if prosecuting attorney's investigation of vote buying might be advanced if he knew that certain individuals had made contributions to account which prosecuting attorney sought to inspect and copy. Ark.Stats. § 43-801 et seq.; U.S.C.A.Const. Amends. 1, 14. Pollard v. Roberts, 1968, 283 F.Supp. 248, affirmed 89 S.Ct. 47, 393 U.S. 14, 21 L.Ed.2d 14. Elections ↻ 121(1)

Section 18, Act Feb. 5, 1913, Acts 1913, p. 74, making it unlawful to give or promise an office or anything of value for political support, aid, or vote of any person, held not to require the promise to be made to person to whom the office, etc., is to be given. Wright v. State, 1918, 133 Ark. 76, 202 S.W. 236. Elections ↻ 316

##### 2. Intimidation and violence

The constitutional requirements that popular elections shall be "by ballot" and be "free and equal," Art. 3, secs. 2, 3, are violated by a systematic plan to coerce voters to deposit their ballots in such manner as to disclose their contents to bystanders. Jones v. Glidewell, 1890, 53 Ark. 161, 13 S.W. 723. Elections ↻ 320

The purpose of statute prohibiting distribution of ballots outside of ballots ordered for use in election for purpose of instructing voters how to vote, was to prevent intimidation of voters and use of undue influence in elections. Pope's Dig. § 4873. Branton v. State, 1949, 214 Ark. 861, 218 S.W.2d 690, certiorari denied 70 S.Ct. 155, 338 U.S. 878, 94 L.Ed. 538. Elections ↻ 320

##### 3. Persons liable

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The governor of a state is not "an officer of election," within the meaning of Act May 31, 1870, § 22, 16 Stat. 145, which makes it criminal for any "election officer" fraudulently to make any false certificate of the result of any congressional election. *U.S. v. Clayton*, 1871, 25 F.Cas. 458, 4 Chi.Leg.N. 50, 0 No. 14814. Elections ⇌ 322

## 4. Penalties and actions

Allegations that sheriff violated election laws by delivering ballots to precinct himself when he was candidate for re-election did not create forfeiture of office, by law, so as to support usurpation action, absent any actual conviction of election law violations. A.C.A. §§ 7-1-103(28, 29), 7-1-104, 7-5-211, 16-118-105. *Sargent v. Foster*, 1998, 966 S.W.2d 263, 332 Ark. 608. *Sheriffs And Constables* ⇌ 6

Kirby's Digest, § 1667, imposing a penalty upon any judge or clerk of any election who "shall neglect, improperly delay or refuse to perform any of the duties required by law," etc., is inapplicable to school elections not conducted under the general election law, as provided by Kirby's Digest, § 7591. *Brown v. Haselman*, 1906, 79 Ark. 213, 95 S.W. 136. Elections ⇌ 323

In a declaration against a judge of elections for the statutory penalty for permitting an elector to vote twice, it is sufficient to charge that he did so "intentionally, wrongfully, and from motives of partiality, contrary to the form," etc., without averring the name of the person for whom the elector voted. *Kirkpatrick v. Stewart*, 1858, 19 Ark. 695, Unreported. Elections ⇌ 323

A declaration in an action of debt against a judge of elections, under Eng.Dig. c. 61, § 28, to recover the penalty prescribed for neglect of duty and misbehavior in office in appointing a minor clerk, is sufficient if it charges that he did so "knowingly, willfully, wrongfully, and contrary to the form," etc., without charging that he did so corruptly and maliciously. *Kirkpatrick v. Stewart*, 1858, 19 Ark. 695, Unreported. Elections ⇌ 323

In a declaration for a penalty, under Eng.Dig. c. 61, § 28, it is sufficient to charge that the defendant took out the ballots and counted them before the polls were closed and the poll books signed, "intentionally, knowingly, and contrary to the form," etc., without averring that he acted corruptly and maliciously. *Kirkpatrick v. Stewart*, 1858, 19 Ark. 695, Unreported. Elections ⇌ 323

## 5. Federal law

The laws of the United States concerning elections at which congressmen are elected are paramount, and Mansf.Dig.Ark. § 2694, providing that "the judges of election shall securely envelop all the ballots which may have been received under seal, and return the same to the clerk of the proper county, which shall in no event be opened except in case of a contested election," cannot be held to justify the refusal of the clerk to produce the ballots before the grand jury of the United States, pending an investigation into alleged violations of federal election laws. *In re Massey*, 1890, 45 F. 629. Elections ⇌ 326

The crime of destroying the ballot box used and the ballot cast at an election for congressman and presidential electors can be punished by the state as well as the United States. *Mason v. State*, 1892, 55 Ark. 529, 18 S.W. 827. Elections ⇌ 325

The courts of the State have jurisdiction to punish the fraudulent destruction of ballots cast for electors of President and Vice President of the United States, notwithstanding a representative in congress is also voted for. *Mason v. State*, 1892, 55 Ark. 529, 18 S.W. 827. Elections ⇌ 325

## 6. Indictment

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A.C.A. § 7-1-104

An indictment under Kirby's Dig. § 2825, charging election judges with making a false count of ballots, is not insufficient because it fails to set out the particular manner in which the false count was made or the names of the particular voters whose ballots were miscounted. *State v. Doughty*, 1918, 134 Ark. 435, 204 S.W. 968. Elections ⤴ 328(3)

Such indictment held not insufficient because it fails to specify whether the ballots themselves were miscounted or whether there was a miscount of the number of votes. *State v. Doughty*, 1918, 134 Ark. 435, 204 S.W. 968. Elections ⤴ 328(3)

An indictment for making false election returns under Kirby's Dig. § 2825, need not allege that the false certificate was delivered to the election commissioners; such delivery not being essential to the offense. *State v. Doughty*, 1918, 134 Ark. 435, 204 S.W. 968. Elections ⤴ 328(3)

In prosecution under Kirby's Dig. § 2783, for suppressing certificate of nomination of a candidate for sheriff, indictment held to sufficiently charge that petition of necessary number of qualified electors was filed with defendants, election commissioners, and that they suppressed the same. *State v. Hunter*, 1918, 134 Ark. 443, 204 S.W. 308. Elections ⤴ 328(3)

An indictment under Kirby's Dig. § 2783, as to suppression of certificate of nomination, was sufficient although it did not show that certificate of nomination was authenticated otherwise than by signatures of electors in view of section 2777. *State v. Hunter*, 1918, 134 Ark. 443, 204 S.W. 308. Elections ⤴ 328(3)

#### 7. Evidence

Convictions for giving false information about names to establish eligibility to vote and aiding and abetting others in that offense were supported by evidence that defendants completed absentee ballot applications in the names of other registered voters, that one of them forged voters' signatures on some applications and others marked some applications with X's even though voters were able to sign their own names, and that ballots were voted in favor of candidate for whom defendants were working, without knowledge or permission of the voters; evidence as to one defendant's intent was sufficient despite contention that she was trying to help registered voters obtain the absentee ballots. 18 U.S.C.A. § 2; Voting Rights Act of 1965, § 11(c, e), as amended, 42 U.S.C.A. § 1973i(c, e). *U.S. v. Boards*, 1993, 10 F.3d 587, rehearing denied, certiorari denied 114 S.Ct. 2674, 512 U.S. 1205, 129 L.Ed.2d 810. Elections ⤴ 329

In prosecution for introducing fraudulent ballots in primary election with intent to affect count or recount of ballots, evidence on questions whether defendant had clipped name of unopposed candidate for township committeeman from certain ballots, and had encouraged certain voter to mark ballot for certain candidates was insufficient for jury. Ark.Stats. § 3-1525. *Williams v. State*, 1953, 222 Ark. 458, 261 S.W.2d 263. Elections ⤴ 330

In a prosecution for making a promise as consideration for political support in violation of section 18, Act Feb. 5, 1913, Acts 1913, p. 74, evidence held to sustain a conviction. *Wright v. State*, 1918, 133 Ark. 76, 202 S.W. 236. Elections ⤴ 329

Evidence held insufficient to show that accused falsified primary election returns. *Kelly v. State*, 1912, 102 Ark. 651, 145 S.W. 556. Elections ⤴ 329

#### 8. Instructions

In a prosecution for making a promise as consideration for political support in violation of section 18, Act Feb. 5, 1913, Acts 1913, p. 74, held that the court correctly interpreted the statute and correctly declared the law in its

A.C.A. § 7-1-104

rulings on the instructions. *Wright v. State*, 1918, 133 Ark. 76, 202 S.W. 236. Elections ↪ 330

A.C.A. § 7-1-104, AR ST § 7-1-104

Current through 2006 First Extraordinary Session of the 85th General Assembly, including changes made by the Arkansas code Revision Commission as a result of the 2006 First Extraordinary Session.

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C.G.S.A. § 9-350

Connecticut General Statutes Annotated Currentness

Title 9. Elections

Chapter 151. Elections: Prohibited Acts and Penalties (Refs & Annos)

→ § 9-350. Failure to warn election

Any person whose duty it is to warn any election and who fails to warn such election as required by law shall be fined not more than five hundred dollars.

CREDIT(S)

(1949 Rev., § 1118; 1953, Supp. § 671c; 1955, Supp. § 827d.)

HISTORICAL AND STATUTORY NOTES

2002 Main Volume

Derivation:

1902 Rev., § 1704.

1918 Rev., § 653.

1930 Rev., § 663.

CROSS REFERENCES

Procedure upon summons for infraction or violation under this section, payment by mail, and procedure at trial, see C.G.S.A. § 51-164n.

Publication of notices, see C.G.S.A. § 1-2.

Warning of elections, see C.G.S.A. § 9-226.

LIBRARY REFERENCES

2002 Main Volume

Elections ↪ 314, 323.

Westlaw Topic No. 144.

C.J.S. Elections §§ 327, 355.

C. G. S. A. § 9-350, CT ST § 9-350

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C.G.S.A. § 9-351

Connecticut General Statutes Annotated Currentness

Title 9. Elections

Chapter 151. Elections: Prohibited Acts and Penalties (Refs & Annos)

→ § 9-351. Delay in counting or declaring vote

Any moderator of any election or voting district who, wilfully and without cause, delays the counting or declaration of the number of votes cast shall be fined not less than one hundred dollars nor more than five hundred dollars or be imprisoned not less than six months nor more than one year.

CREDIT(S)

(1949 Rev., § 1119; 1953, Supp. § 672c; 1955, Supp. § 828d.)

HISTORICAL AND STATUTORY NOTES

2002 Main Volume

**Derivation:**

1902 Rev., § 1705.

1918 Rev., § 654.

1930 Rev., § 664.

CROSS REFERENCES

Canvass and returns, see C.G.S.A. § 9-307 et seq.

Contests, see C.G.S.A. § 9-324.

LIBRARY REFERENCES

2002 Main Volume

Elections ↪ 314.

Westlaw Topic No. 144.

C.J.S. Elections § 327.

C. G. S. A. § 9-351, CT ST § 9-351

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C.G.S.A. § 9-352

Connecticut General Statutes Annotated Currentness

Title 9. Elections

Chapter 151. Elections: Prohibited Acts and Penalties (Refs & Annos)

**→§ 9-352. Tampering with machine by election official**

Any election official who, with intent to cause or permit any voting machine to fail to correctly register all votes cast thereon, tampers with or disarranges such machine in any way or any part or appliance thereof, or causes such machine to be used or consents to its being used for voting at any election with knowledge of the fact that the same is not in order, or not perfectly set and adjusted to correctly register all votes cast thereon, or who, for the purpose of defrauding or deceiving any elector or of causing it to be doubtful for what candidate or candidates or proposition any vote is cast, or causing it to appear upon such machine that votes cast for one candidate or proposition were cast for another candidate or proposition, removes, changes or mutilates any ballot label on such machine or any part thereof, shall be fined not more than one thousand dollars or imprisoned not more than five years or both.

CREDIT(S)

(1949 Rev., § 1220; 1953, Supp. § 673c; 1955, Supp. § 829d; 1987, P.A. 87-382, § 36, eff. June 23, 1987.)

HISTORICAL AND STATUTORY NOTES

2002 Main Volume

**Amendments**

**1987 Amendment.** 1987, P.A. 87-382, § 36, deleted references to "ticket" throughout the section, and made corresponding language and punctuation changes.

**Derivation:**

1903, P.A. ch. 207.

1909, P.A. ch. 262.

1918 Rev., § 731.

1930 Rev., § 742.

CROSS REFERENCES

Voting machines, see C.G.S.A. Const. Art. 6, § 5; C.G.S.A. § 9-238 et seq.

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Elections ↪314, 323, 332.

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C.G.S.A. § 9-353

Connecticut General Statutes Annotated Currentness

Title 9. Elections

Chapter 151. Elections: Prohibited Acts and Penalties (Refs & Annos)

→ § 9-353. False return

Any election official who, at the close of the polls, purposely causes the vote registered on the machine to be incorrectly taken down as to any candidate or proposition voted on, or who knowingly causes to be made or signed any false statement, certificate or return of any kind, of such vote, or who knowingly consents to any such act, shall be fined not more than one thousand dollars or imprisoned not more than five years or both.

CREDIT(S)

(1949 Rev., § 1221; 1953, Supp. § 674c; 1955, Supp. § 830d.)

HISTORICAL AND STATUTORY NOTES

2002 Main Volume

Derivation:

1903, P.A. ch. 207.

1909, P.A. ch. 262.

1918 Rev., § 732.

1930 Rev., § 743.

CROSS REFERENCES

Voting machines, see C.G.S.A. Const. Art. 6, § 5; C.G.S.A. § 9-238 et seq.

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2002 Main Volume

Elections ↪314.

Westlaw Topic No. 144.

C.J.S. Elections § 327.

C. G. S. A. § 9-353, CT ST § 9-353

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C.G.S.A. § 9-354

Connecticut General Statutes Annotated Currentness

Title 9. Elections

Chapter 151. Elections: Prohibited Acts and Penalties (Refs & Annos)

**→ § 9-354. Improper printing of ballot label**

Any person who prints or causes to be printed upon any official ballot label the name of any person not a candidate of a party whose name is printed at the head of the column containing such nominees or who prints or causes to be printed any authorized ballot label in any manner other than that prescribed by the Secretary of the State shall be fined not less than one hundred dollars nor more than one thousand dollars or be imprisoned not more than five years or be both fined and imprisoned.

CREDIT(S)

(1953, Supp. § 675c; 1955, Supp. § 831d.)

HISTORICAL AND STATUTORY NOTES

2002 Main Volume

**Derivation:**

1953, Supp. § 675c.

LIBRARY REFERENCES

2002 Main Volume

Elections 309.

Westlaw Topic No. 144.

C.J.S. Elections §§ 324, 334.

C. G. S. A. § 9-354, CT ST § 9-354

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C.G.S.A. § 9-355

**C**

Connecticut General Statutes Annotated Currentness

Title 9. Elections

▣ Chapter 151. Elections: Prohibited Acts and Penalties (Refs &amp; Annos)

**→ § 9-355. Official neglect or fraud**

Any person who, without reasonable cause, neglects to perform any of the duties required of him by the laws relating to elections or primaries and for which neglect no other punishment is provided, and any person who is guilty of fraud in the performance of any such duty, and any person who makes any unlawful alteration in any list required by law, shall be fined not more than three hundred dollars or be imprisoned not more than one year or be both fined and imprisoned. Any official who is convicted of fraud in the performance of any duty imposed upon him by any law relating to the registration or admission of electors or to the conduct of any election shall be disfranchised. Any public officer or any election official upon whom any duty is imposed by part I of chapter 147 and sections 9-308 to 9-311, inclusive, who wilfully omits or neglects to perform any such duty or does any act prohibited therein for which punishment is not otherwise provided shall be fined not more than two thousand dollars or imprisoned not more than three years or both.

CREDIT(S)

(1949 Rev., §§ 1121, 1217; 1953, Supp. § 676c; 1955, Supp. § 832d; 1980, P.A. 80-432, § 1, eff. Oct. 1, 1980.)

HISTORICAL AND STATUTORY NOTES

2002 Main Volume

**Amendments**

**1980 Amendment.** 1980, P.A. 80-432, § 1, inserted, in the first sentence, "or primaries" following "laws relating to elections".

**Derivation:**

1902 Rev., § 1709.

1918 Rev., § 658.

1930 Rev., § 668.

**CROSS REFERENCES**

Elections and primaries, contests and complaints in election of state officers and judges of probate, see C.G.S.A. § 9-324.

Violation in casting of absentee ballot at referendum, complaint for relief by aggrieved person, see C.G.S.A. § 9-371b.

Voting errors and election law violations, contests and complaint procedures, see C.G.S.A. § 9-323.

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C.G.S.A. § 9-357

**C**

Connecticut General Statutes Annotated Currentness

Title 9. Elections

Chapter 151. Elections: Prohibited Acts and Penalties (Refs &amp; Annos)

**→ § 9-357. Fraudulent registration**

Any person who fraudulently procures himself or another to be registered as an elector shall be fined not more than five hundred dollars or imprisoned not more than one year or be both fined and imprisoned.

CREDIT(S)

(1949 Rev., § 1029; 1953, Supp. § 678c; 1955, Supp. § 834d.)

HISTORICAL AND STATUTORY NOTES

2002 Main Volume

**Derivation:**

1902 Rev., § 1708.

1918 Rev., § 657.

1930 Rev., § 667.

CROSS REFERENCES

Elections and primaries, contests and complaints in election of state officers and judges of probate, see C.G.S.A. § 9-324.

Violation in casting of absentee ballot at referendum, complaint for relief by aggrieved person, see C.G.S.A. § 9-371b.

Voting errors and election law violations, contests and complaint procedures, see C.G.S.A. § 9-323.

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2002 Main Volume

Elections ↪312.

Westlaw Topic No. 144.

C.J.S. Elections § 326.

C. G. S. A. § 9-357, CT ST § 9-357

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C.G.S.A. § 9-358

**C**

Connecticut General Statutes Annotated Currentness

Title 9. Elections

Chapter 151. Elections: Prohibited Acts and Penalties (Refs &amp; Annos)

**→ § 9-358. False swearing before registrar, moderator, board or State Elections Enforcement Commission**

Any person who, upon oath or affirmation, legally administered, wilfully and corruptly testifies or affirms, before any registrar of voters, any moderator of any election, primary or referendum, any board for admission of electors or the State Elections Enforcement Commission, falsely, to any material fact concerning the identity, age, residence or other qualifications of any person whose right to be registered or admitted as an elector or to vote at any election, primary or referendum is being passed upon and decided, shall be guilty of a class D felony and shall be disfranchised.

CREDIT(S)

(1949 Rev., § 1126; 1953, Supp. § 679c; 1955, Supp. § 835d; 2005, P.A. 05-235, § 8, eff. July 1, 2005; 2006, P.A. 06-196, § 57, eff. June 7, 2006.)

## HISTORICAL AND STATUTORY NOTES

2006 Electronic Pocket Part Update

**Codification**

Section heading was changed to conform to the 2006 Supplement to the Connecticut General Statutes.

**Amendments**

**2005 Amendment.** 2005, P.A. 05-235, § 8, rewrote this section, which prior thereto read:

"Any person who, upon oath or affirmation, legally administered, wilfully and corruptly testifies or affirms, before any registrar of voters or the moderator of any election or any board for admission of electors, falsely, to any material fact concerning the identity, age, residence or other qualifications of any person whose right to be registered or admitted as an elector or to vote at any election is before such registrar, moderator or board for the purpose of being passed upon and decided, shall be imprisoned not more than two years and shall be disfranchised."

**2006 Amendment.** 2006, P.A. 06-196, § 57, substituted "is" for "for the purpose of", and made technical corrections.

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**Derivation:**

1945, Supp. § 146h.

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C.G.S.A. § 9-359

Connecticut General Statutes Annotated Currentness

Title 9. Elections

Chapter 151. Elections: Prohibited Acts and Penalties (Refs &amp; Annos)

**→ § 9-359. Absentee ballots**

Any (1) person who executes an absentee ballot for the purpose of informing any other person how he votes, or procures any absentee ballot to be prepared for such purpose, (2) municipal clerk or moderator, elector appointed to count any absentee ballot or other person who wilfully attempts to ascertain how any elector marked his absentee ballot or how it was cast, (3) person who unlawfully opens or fills out, except as provided in section 9-140a with respect to a person unable to write, any elector's absentee ballot signed in blank, (4) person designated under section 9-140a who executes an absentee ballot contrary to the elector's wishes, or (5) person who wilfully violates any provision of chapter 145, [FN1] shall be guilty of a class D felony.

CREDIT(S)

(1949 Rev., § 1149; 1953, Supp. § 680c; 1955, Supp. § 836d; 1974, P.A. 74-96, § 8, eff. Jan. 1, 1975; 1986, P.A. 86-179, § 45, eff. Jan. 1, 1987; 1995, P.A. 95-177, § 4, eff. Jan. 1, 1996.)

[FN1] C.G.S.A. § 9-133f et seq.

## HISTORICAL AND STATUTORY NOTES

2002 Main Volume

**Amendments**

**1974 Amendment.** 1974, P.A. 74-96, § 8, substituted, at the end, "guilty of a Class D felony" for "subject to the penalties provided in section 9-306" following "chapter 145, shall be".

**1986 Amendment.** 1986, P.A. 86-179, § 45, changed a citation.

**1995 Amendment.** 1995, P.A. 95-177, § 4, among other changes, inserted subd. (1), (2), (3) and (5) designations and added subd. (4).

**Derivation:**

1935, Supp. § 168c(h).

1943, Supp. § 146g(j).

1945, Supp. § 174h.

## CROSS REFERENCES

Accelerated pretrial rehabilitation, inapplicability to person charged with violation of this section, see C.G.S.A. § 54-56e.

Claimed violations in the casting of absentee ballots, see C.G.S.A. § 9-323.

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C.G.S.A. § 9-359a

Connecticut General Statutes Annotated Currentness

Title 9. Elections

Chapter 151. Elections: Prohibited Acts and Penalties (Refs &amp; Annos)

**→ § 9-359a. False statement in absentee balloting. Class D felony**

(a) A person is guilty of false statement in absentee balloting when he intentionally makes a false written statement in or on or signs the name of another person to the application for an absentee ballot or the inner envelope accompanying any such ballot, which he does not believe to be true and which statement or signature is intended to mislead a public servant in the performance of his official function.

(b) False statement in absentee balloting is a class D felony.

CREDIT(S)

(1974, P.A. 74-96, § 1, eff. Jan. 1, 1975.)

## CROSS REFERENCES

Accelerated pretrial rehabilitation, inapplicability to person charged with violation of this section, see C.G.S.A. § 54-56e.

Elections and primaries, contests and complaints in election of state officers and judges of probate, see C.G.S.A. § 9-324.

Felony, defined, see C.G.S.A. § 53a-25.

Investigation of violations relating to election, referendum or primary, see C.G.S.A. § 9-7b.

Provisional ballots, applications for, see C.G.S.A. § 9-2321.

Violation in casting of absentee ballot at referendum, complaint for relief by aggrieved person, see C.G.S.A. § 9-371b.

Voting errors and election law violations, contests and complaint procedures, see C.G.S.A. § 9-323.

## ADMINISTRATIVE CODE REFERENCES

Elections Commission, subpoenas, see Regs. Conn. State Agencies, § 9-7b-28.

## LIBRARY REFERENCES

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Elections ↪ 216.1, 318, 332.

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C.G.S.A. § 9-360

**C**

Connecticut General Statutes Annotated Currentness

Title 9. Elections

\* Chapter 151. Elections: Prohibited Acts and Penalties (Refs &amp; Annos)

**→§ 9-360. Fraudulent voting**

Any person not legally qualified who fraudulently votes in any town meeting, primary, election or referendum in which the person is not qualified to vote, and any legally qualified person who, at such meeting, primary, election or referendum, fraudulently votes more than once at the same meeting, primary, election or referendum, shall be fined not less than three hundred dollars or more than five hundred dollars and shall be imprisoned not less than one year or more than two years and shall be disfranchised. Any person who votes or attempts to vote at any election, primary, referendum or town meeting by assuming the name of another legally qualified person shall be guilty of a class D felony and shall be disfranchised.

CREDIT(S)

(1949 Rev., §§ 1122, 1125; 1953, Supp. § 681c; 1955, Supp. § 837d; 1982, P.A. 82-176, § 1, eff. July 1, 1982; 2005, P.A. 05-235, § 9, eff. July 1, 2005; 2006, P.A. 06-196, § 58, eff. June 7, 2006.)

## HISTORICAL AND STATUTORY NOTES

2002 Main Volume

**Amendments**

2006 Electronic Pocket Part Update

**2005 Amendment.** 2005, P.A. 05-235, § 9, rewrote this section, which prior thereto read:

"Any person not legally qualified who fraudulently votes in any town meeting, primary or election in which he is not qualified to vote, and any legally qualified person who, at such meeting, primary or election, fraudulently votes more than once at the same meeting, primary or election, shall be fined not less than three hundred dollars nor more than five hundred dollars and shall be imprisoned not less than one year nor more than two years and shall be disfranchised. Any person who votes or attempts to vote at any election, primary or town meeting by assuming the name of another who is registered or enrolled, as the case may be, shall be fined five hundred dollars and be imprisoned one year and shall be disfranchised."

**2006 Amendment.** 2006, P.A. 06-196, § 58, made technical corrections.

**1982 Amendment.** 1982, P.A. 82-176, § 1, amended the first sentence by substituting ", primary or" for "or in any" following "in any town meeting", and by inserting "meeting, primary or" following "person who, at such" and following "once at the same"; and amended the second sentence by inserting ", primary" following "vote at any election", and by inserting "or enrolled, as the case may be," following "who is registered".

**Derivation:**

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C.G.S.A. § 9-361

**C**

Connecticut General Statutes Annotated Currentness

Title 9. Elections

Chapter 151. Elections: Prohibited Acts and Penalties (Refs &amp; Annos)

**→ § 9-361. Primary or enrollment violations**

The following persons shall be guilty of primary or enrollment violations: (1) Any person unlawfully voting or participating or attempting to vote or participate in any primary in which he is not eligible to vote or participate; (2) in towns divided into voting districts, any elector who registers or votes at any primary in a voting district other than the district in which such elector is legally entitled to vote at the time of such primary; (3) any elector who signs the name of another to a written application to register, without the knowledge and consent of the person whose name is signed thereto, or who falsely represents the contents of any written or printed form of application for enrollment with intent to secure the application of an elector for enrollment upon a list other than that of his true political preference; (4) any registrar or deputy registrar of voters who fails to hold sessions as provided in sections 9-51 and 9-53 or who fails to register an elector upon the oral or written application for enrollment of such elector, except as provided by law, or who fails to erase an elector's name as provided in section 9-59 or who registers any elector upon an enrollment list other than that declared by such elector in his application as his political preference, or who removes or erases the name of any elector from any enrollment list except as provided by law; (5) any person who fails to properly serve any notice or citation required by sections 9-60 and 9-61 when directed so to do by any registrar or deputy registrar, or who makes any false return as to any such notice or citation; and (6) any moderator of a primary of the enrolled electors of a specified party, such primary being legally called for the nomination of candidates for any public elective office, who fails to comply with the requirements of chapter 153. [FN1] The penalty for any such violation shall be a fine of not more than one hundred dollars or imprisonment of not more than sixty days, or both, except that any person found to have violated subdivision (1) or (2) of this section shall be guilty of a class D felony and shall be disfranchised.

## CREDIT(S)

(1949 Rev., § 1186; 1953, Supp. § 682c; June, 1955, Supp. § 838d; Nov., 1955, Supp. § N114; 1987, P.A. 87-509, § 12, eff. June 24, 1987; 2003, P.A. 03-241, § 16, eff. Jan. 1, 2004; 2005, P.A. 05-235, § 10, eff. July 1, 2005.)

[FN1] C.G.S.A. § 9-372 et seq.

## HISTORICAL AND STATUTORY NOTES

2006 Electronic Pocket Part Update

**Amendments**

**2003 Amendment.** 2003, P.A. 03-241, § 16, deleted "or for the election of delegates to any political convention," following "any public elective office,"; made other nonsubstantive changes.

**2005 Amendment.** 2005, P.A. 05-235, § 10, inserted ", except that any person found to have violated subdivision (1) or (2) of this section shall be guilty of a class D felony and shall be disfranchised".

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C.G.S.A. § 9-362

Connecticut General Statutes Annotated Currentness

Title 9. Elections

Chapter 151. Elections: Prohibited Acts and Penalties (Refs &amp; Annos)

**→ § 9-362. Decision of election officials no bar to prosecution**

The decision of the board for admission of electors or of the registrars or of a moderator, as to a person's right to be admitted to the elector's oath, to registration or to cast his vote, shall, in no case, be a bar to a criminal prosecution for procuring himself to be made an elector or to be registered or for voting, without the qualifications required by law.

CREDIT(S)

(1949 Rev., § 1115; 1953, Supp. § 683c; 1955, Supp. § 839d.)

## HISTORICAL AND STATUTORY NOTES

2002 Main Volume

**Derivation:**

1902 Rev., § 1692.

1918 Rev., § 648.

1930 Rev., § 660.

## CROSS REFERENCES

Admission of electors, see C.G.S.A. § 9-20.

## LIBRARY REFERENCES

2002 Main Volume

Elections ↪321.

Westlaw Topic No. 144.

C.J.S. Elections § 335.

C. G. S. A. § 9-362, CT ST § 9-362

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C.G.S.A. § 9-363

**C**

Connecticut General Statutes Annotated Currentness

Title 9. Elections

Chapter 151. Elections: Prohibited Acts and Penalties (Refs &amp; Annos)

**→ § 9-363. Circulation of misleading instructions**

Any person who, with intent to defraud any elector of his vote or cause any elector to lose his vote or any part thereof, gives in any way, or prints, writes or circulates, or causes to be written, printed or circulated, any improper, false, misleading or incorrect instructions or advice or suggestions as to the manner of voting on any machine, the following of which or any part of which would cause any elector to lose his vote or any part thereof, or would cause any elector to fail in whole or in part to register or record the same on the machine for the candidates of his choice, shall be fined not more than five hundred dollars or be imprisoned not more than five years or be both fined and imprisoned.

CREDIT(S)

(1949 Rev., § 1222; 1953, Supp. § 684c; 1955, Supp. § 840d.)

## HISTORICAL AND STATUTORY NOTES

2002 Main Volume

**Derivation:**

1902 Rev., § 1710.

1918 Rev., § 659.

1930 Rev., § 669.

## LAW REVIEW AND JOURNAL COMMENTARIES

Corporate assertion of political power. John P. Maloney, 12 Conn.L.Rev. 14 (1979).

## LIBRARY REFERENCES

2002 Main Volume

Elections ↪ 318, 323, 332.

Westlaw Topic No. 144.

C.J.S. Elections §§ 331, 353, 355.

C. G. S. A. § 9-363, CT ST § 9-363

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C.G.S.A. § 9-364

**C**

Connecticut General Statutes Annotated Currentness

Title 9. Elections

Chapter 151. Elections: Prohibited Acts and Penalties (Refs &amp; Annos)

**→ § 9-364. Influencing elector to refrain from voting**

Any person who influences or attempts to influence any elector to stay away from any election shall be fined not more than five hundred dollars and imprisoned not more than one year nor less than three months.

CREDIT(S)

(1949 Rev., § 1123; 1953, Supp. § 685c; 1955, Supp. § 841d.)

## HISTORICAL AND STATUTORY NOTES

2002 Main Volume

**Derivation:**

1902 Rev., § 1711.

1918 Rev., § 660.

1930 Rev., § 670.

## CROSS REFERENCES

Elections and primaries, contests and complaints in election of state officers and judges of probate, see C.G.S.A. § 9-324.

Violation in casting of absentee ballot at referendum, complaint for relief by aggrieved person, see C.G.S.A. § 9-371b.

Voting errors and election law violations, contests and complaint procedures, see C.G.S.A. § 9-323.

## LIBRARY REFERENCES

2002 Main Volume

Elections 319.

Westlaw Topic No. 144.

C.J.S. Elections § 330.

C. G. S. A. § 9-364, CT ST § 9-364

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C.G.S.A. § 9-364a

**C**

Connecticut General Statutes Annotated Currentness

Title 9. Elections

Chapter 151. Elections: Prohibited Acts and Penalties (Refs & Annos)

**→ § 9-364a. Acts prohibited in elections, primaries, referenda, caucuses and conventions. Penalties**

Any person who influences or attempts to influence by force or threat the vote, or by force, threat, bribery or corrupt means, the speech, of any person in a primary, caucus, referendum convention or election; or wilfully and fraudulently suppresses or destroys any vote or ballot properly given or cast or, in counting such votes or ballots, wilfully miscounts or misrepresents the number thereof; and any presiding or other officer of a primary, caucus or convention who wilfully announces the result of a ballot or vote of such primary, caucus or convention, untruly and wrongfully, shall be fined not more than one thousand dollars or imprisoned not more than one year or be both fined and imprisoned.

CREDIT(S)

(1949 Rev., § 1162; 1953, Supp. § 665c; 1955, Supp. § 821d; 1958, Rev., § 9-344; 1974, P.A. 74-189, § 10, eff. May 22, 1974; 1981, P.A. 81-467, § 7, eff. July 1, 1981; 1982, P.A. 82-176, § 2, eff. July 1, 1982.)

**HISTORICAL AND STATUTORY NOTES**

2002 Main Volume

**Transfer of Section**

This section, formerly set out as C.G.S.A. § 9-344, was transferred to C.G.S.A. § 9-364a in Gen.St., Rev. to 1977.

**Amendments**

**1974 Amendment.** 1974, P.A. 74-189, § 10, amended section by inserting "referendum" following "in a primary caucus"; substituted "suppresses" for "suppress" following "fraudulently"; and substituted fine not "more than one thousand dollars or imprisoned not more than one year" for "less than twenty-five dollars nor more than one hundred dollars or imprisoned not less than seven days nor more than three months".

**1981 Amendment.** 1981, P.A. 81-467, § 7, deleted "or wilfully and knowingly votes more than once or casts more than one ballot at a time when he is entitled to vote but once or cast but one ballot;" following "referendum or convention;"

**1982 Amendment.** 1982, P.A. 82-176, § 2, substituted "convention or election" for "or convention" following "primary, caucus, referendum".

**Derivation:**

1902 Rev., § 1699.

1918 Rev., § 676.

1930 Rev., § 686.

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C.G.S.A. § 9-365

**C**

Connecticut General Statutes Annotated Currentness

Title 9. Elections

Chapter 151. Elections: Prohibited Acts and Penalties (Refs &amp; Annos)

**→ § 9-365. Employers' threats**

Any person who, at or within sixty days prior to any election, municipal meeting, school district election or school district meeting, attempts to influence the vote of any operative in his employ by threats of withholding employment from him or by promises of employment or who dismisses any operative from his employment on account of any vote he has given at any such election or meeting shall be fined not less than one hundred dollars nor more than five hundred dollars or be imprisoned not less than six months nor more than twelve months or be both fined and imprisoned.

CREDIT(S)

(1949 Rev., § 1116; 1953, Supp. § 686c; 1955, Supp. § 842d.)

## HISTORICAL AND STATUTORY NOTES

2002 Main Volume

**Derivation:**

1902 Rev., § 1700.

1918 Rev., § 650.

1930 Rev., § 661.

## CROSS REFERENCES

Elections and primaries, contests and complaints in election of state officers and judges of probate, see C.G.S.A. § 9-324.

Violation in casting of absentee ballot at referendum, complaint for relief by aggrieved person, see C.G.S.A. § 9-371b.

Voting errors and election law violations, contests and complaint procedures, see C.G.S.A. § 9-323.

## LAW REVIEW AND JOURNAL COMMENTARIES

Labor and Employment Law. Brian Clemow, 54 Conn.B.J. 473 (1980).

## LIBRARY REFERENCES

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Elections ↪ 320.

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C.G.S.A. § 9-366

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Connecticut General Statutes Annotated Currentness

Title 9. Elections

Chapter 151. Elections: Prohibited Acts and Penalties (Refs &amp; Annos)

**→§ 9-366. Interference with electors in voting**

Any person who induces or attempts to induce any elector to write, paste or otherwise place, on a write-in ballot voted on a voting machine at any election, any name, sign or device of any kind, as a distinguishing mark by which to indicate to another how such elector voted, or enters into or attempts to form any agreement or conspiracy with any person to induce or attempt to induce electors or any elector to so place any distinguishing mark on such ballot, or attempts to induce any elector to do anything with a view to enabling another person to see or know for what persons or any of them such elector votes on such machine, or enters into or attempts to form any agreement or conspiracy to induce any elector to do any act for the purpose of enabling another person or persons to see or know for what person or persons such elector votes, or attempts to induce any person to place himself in such position, or to do any other act for the purpose of enabling him to see or know for what candidates any elector other than himself votes on such machine, or himself attempts to get in such position to do any act so that he will be enabled to see or know how any elector other than himself votes on such machine, or does any act which invades or interferes with the secrecy of the voting or causes the same to be invaded or interfered with, shall be imprisoned not more than five years.

CREDIT(S)

(1949 Rev., § 1219; 1953, Supp. § 687c; 1955, Supp. § 843d; 1987, P.A. 87-382, § 37, eff. June 23, 1987.)

## HISTORICAL AND STATUTORY NOTES

2002 Main Volume

**Amendments**

**1987 Amendment.** 1987, P.A. 87-382, § 37, deleted references to "ticket" throughout the section, and made corresponding language and punctuation changes.

**Derivation:**

1903, P.A. ch. 207.  
 1909, P.A. ch. 262.  
 1918 Rev., § 730.  
 1930 Rev., § 741.  
 1943, Supp. § 155g.

## CROSS REFERENCES

Distance markers, see C.G.S.A. § 9-236.

News media at polling place, see C.G.S.A. § 9-236.

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C.G.S.A. § 9-367

Connecticut General Statutes Annotated Currentness

Title 9. Elections

Chapter 151. Elections: Prohibited Acts and Penalties (Refs &amp; Annos)

## → § 9-367. Tampering with voting machine

Any person, not being an election official, who, during any election or before any election, after a voting machine has had placed upon it the ballot label for such election, tampers with such machine, disarranges, defaces, injures or impairs the same in any manner, or mutilates, injures or destroys any ballot label placed thereon or to be placed thereon, or any other appliance used in connection with such machine, shall be imprisoned for not more than five years.

CREDIT(S)

(1949 Rev., § 1218; 1953, Supp. § 688c; 1955, Supp. § 844d.)

## HISTORICAL AND STATUTORY NOTES

2002 Main Volume

**Derivation:**

1903, P.A. ch. 207.

1909, P.A. ch. 262.

1918 Rev., § 728.

1930 Rev., § 740.

## CROSS REFERENCES

Voting machines, see C.G.S.A. § 9-238 et seq.

## LIBRARY REFERENCES

2002 Main Volume

Elections ↪ 309, 332.

Westlaw Topic No. 144.

C.J.S. Elections §§ 324, 334, 353.

C. G. S. A. § 9-367, CT ST § 9-367

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C.G.S.A. § 9-368

**C**

Connecticut General Statutes Annotated Currentness

Title 9. Elections

Chapter 151. Elections: Prohibited Acts and Penalties (Refs &amp; Annos)

**→ § 9-368. Arrest of accused**

Upon the written complaint of any three electors of a town in which a violation of any law relating to elections has occurred to any judge of the superior court for the judicial district within which the offense has been committed, supported by oath or affirmation that the complainants have good reason to believe and do believe that the allegations therein contained are true and can be proved, such judge shall issue a warrant for the arrest of the accused.

CREDIT(S)

(1953, Supp. § 689c; 1955, Supp. § 845d; 1959, P.A. 28, § 167; 1974, P.A. 74-183, § 187, eff. Dec. 31, 1974; 1976, P.A. 76-436, § 163, eff. July 1, 1978; 1978, P.A. 78-280, § 1, eff. July 1, 1978.)

## HISTORICAL AND STATUTORY NOTES

2002 Main Volume

**Amendments**

**1974 Amendment.** 1974, P.A. 74-183, § 187, substituted "court of common pleas for the county or judicial district" for "circuit court for the circuit".

**1976 Amendment.** 1976, P.A. 76-436, § 163, substituted "superior court" for "court of common pleas" following "to any judge of the".

**1978 Amendment.** 1978, P.A. 78-280, § 1, provided for change of terms from "county" or "county or judicial district" to "judicial district".

## CROSS REFERENCES

Inconsistent special acts repealed, see C.G.S.A. § 51-274.

## LAW REVIEW AND JOURNAL COMMENTARIES

Protecting the right to vote. 78 Yale L.J. 662 (1969).

## LIBRARY REFERENCES

2002 Main Volume

Criminal Law ⇐217.

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C.G.S.A. § 9-368c

Connecticut General Statutes Annotated Currentness

Title 9. Elections

Chapter 151. Elections: Prohibited Acts and Penalties (Refs & Annos)

→ § 9-368c. Misrepresentation of contents of a petition

(a) No person shall intentionally misrepresent the contents of a petition circulated under title 9.

(b) Any person who violates any provision of this section shall be guilty of a class D felony.

CREDIT(S)

(1987, P.A. 87-530.)

LIBRARY REFERENCES

2002 Main Volume

Elections ↪318.

Westlaw Topic No. 144.

C.J.S. Elections § 331.

C. G. S. A. § 9-368c, CT ST § 9-368c

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A.R.S. § 16-1001

**C**

Arizona Revised Statutes Annotated Currentness

Title 16. Elections and Electors (Refs &amp; Annos)

<sup>ns</sup> Chapter 7. Penal Provisions (Refs & Annos)        <sup>ns</sup> Article 1. General Provisions (Refs & Annos)**→ § 16-1001. Applicability of penal provisions**

The provisions of this title defining crimes involving elections and crimes against the elective franchise, and prescribing penalties therefor, apply to any general, primary or special election or to any election called by a board of supervisors for any purpose for which the board is authorized by law to call an election.

CREDIT(S)

Added by Laws 1979, Ch. 209, § 3, eff. Jan. 1, 1980.

## &lt;&lt;ARTICLE 1. GENERAL PROVISIONS&gt;&gt;

<For disposition of the subject matter or derivation of sections repealed, added, or transferred and renumbered by Laws 1979, Ch. 209, §§ 2 to 5, effective January 1, 1980, see Disposition and Derivation Tables preceding Chapter 1.>

## HISTORICAL AND STATUTORY NOTES

**Source:**

Pen. Code 1901, § 71.  
Laws 1912, Ch. 83, § 1.  
Pen. Code 1913, § 66.  
Rev.Code 1928, § 4513.  
Code 1939, § 43-1519.  
A.R.S. former § 16-1311.

For conditional enactment and effective date provisions and purpose of Laws 1979, Ch. 209 and for information as to compliance with the conditional enactment provision, see Historical and Statutory Notes preceding Chapter 1 and following § 16-101.

## LIBRARY REFERENCES

Elections ↔309.  
Westlaw Topic No. 144.  
C.J.S. Elections §§ 324, 334.

A. R. S. § 16-1001, AZ ST § 16-1001

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Second Regular Session (2006)

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A.R.S. § 16-1002

Arizona Revised Statutes Annotated Currentness  
 Title 16. Elections and Electors (Refs & Annos)  
 Chapter 7. Penal Provisions (Refs & Annos)  
 Article 1. General Provisions (Refs & Annos)

**→ § 16-1002. Counterfeiting or distributing unlawful ballots; classification**

A person who counterfeits a ballot, or who circulates or gives to another a counterfeit ballot, knowing at the time that the ballot has not been issued pursuant to the election laws of the state, is guilty of a class 5 felony.

CREDIT(S)

Added by Laws 1979, Ch. 209, § 3, eff. Jan. 1, 1980.

<<ARTICLE 1. GENERAL PROVISIONS>>

<For disposition of the subject matter or derivation of sections repealed, added, or transferred and renumbered by Laws 1979, Ch. 209, §§ 2 to 5, effective January 1, 1980, see Disposition and Derivation Tables preceding Chapter 1.>

HISTORICAL AND STATUTORY NOTES

**Source:**

Pen. Code 1901, § 52.  
 Pen. Code 1913, § 51.  
 Rev. Code 1928, § 4506.  
 Code 1939, § 43-1512.  
 A.R.S. former § 16-846.  
 Laws 1973, Ch. 183, § 32.  
 Laws 1978, Ch. 201, § 248.

For conditional enactment and effective date provisions and purpose of Laws 1979, Ch. 209 and for information as to compliance with the conditional enactment provision, see Historical and Statutory Notes preceding Chapter 1 and following § 16-101.

CROSS REFERENCES

Classification of offenses, see § 13-601 et seq.  
 Fines, see § 13-801 et seq.  
 Sentences of imprisonment, see § 13-701 et seq.

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Elections ↪ 309.

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A.R.S. § 16-1003

Arizona Revised Statutes Annotated Currentness  
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 ☐ Chapter 7. Penal Provisions (Refs & Annos)  
 ☐ Article 1. General Provisions (Refs & Annos)

**→ § 16-1003. False endorsement, knowing destruction or delay in delivery of ballot; classification**

A person who knowingly forges or falsely makes the official endorsement of a ballot, knowingly destroys or defaces a ballot, or knowingly delays the delivery of a ballot, is guilty of a class 3 misdemeanor.

CREDIT(S)

Added by Laws 1979, Ch. 209, § 3, eff. Jan. 1, 1980.

<<ARTICLE 1. GENERAL PROVISIONS>>

<For disposition of the subject matter or derivation of sections repealed, added, or transferred and renumbered by Laws 1979, Ch. 209, §§ 2 to 5, effective January 1, 1980, see Disposition and Derivation Tables preceding Chapter 1.>

HISTORICAL AND STATUTORY NOTES

**Source:**

Rev.Stat. 1901, §§ 2344 to 2348.  
 Rev.Stat. 1913, §§ 2970 to 2973.  
 Rev.Code 1928, § 1220.  
 Laws 1937, Ch. 13, § 1.  
 Laws 1952, Ch. 123, § 17.  
 Code 1939, Supp.1952, § 55-516.  
 A.R.S. former § 16-900.  
 Laws 1978, Ch. 201, § 283.

For conditional enactment and effective date provisions and purpose of Laws 1979, Ch. 209 and for information as to compliance with the conditional enactment provision, see Historical and Statutory Notes preceding Chapter 1 and following § 16-101.

CROSS REFERENCES

Culpable mental state, see § 13-105.

A. R. S. § 16-1003, AZ ST § 16-1003

Current through End of the Forty-Seventh Legislature,  
 Second Regular Session (2006)

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A.R.S. § 16-1004

Arizona Revised Statutes Annotated Currentness  
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 Chapter 7. Penal Provisions (Refs & Annos)  
 Article 1. General Provisions (Refs & Annos)

**→§ 16-1004. Interference with or corruption of election officer; interference with voting equipment; classification**

**A.** A person who at any election knowingly interferes in any manner with an officer of such election in the discharge of the officer's duty, or who induces an officer of an election or officer whose duty it is to ascertain, announce or declare the result of such election, to violate or refuse to comply with the officer's duty or any law regulating the election, is guilty of a class 5 felony.

**B.** A person who knowingly modifies the software, hardware or source code for voting equipment without receiving approval or certification pursuant to § 16-442 is guilty of a class 5 felony.

CREDIT(S)

Added by Laws 1979, Ch. 209, § 3, eff. Jan. 1, 1980. Amended by Laws 2005, Ch. 144, § 5.

<<ARTICLE 1. GENERAL PROVISIONS>>

<For disposition of the subject matter or derivation of sections repealed, added, or transferred and renumbered by Laws 1979, Ch. 209, §§ 2 to 5, effective January 1, 1980, see Disposition and Derivation Tables preceding Chapter 1.>

HISTORICAL AND STATUTORY NOTES

**Source:**

Pen. Code, 1901, § 63.  
 Pen. Code 1913, § 62.

Rev.Code 1928, § 4512.  
 Code 1939, § 43-1518.  
 A.R.S. former § 16-1308.  
 Laws 1978, Ch. 201, § 295.

For conditional enactment and effective date provisions and purpose of Laws 1979, Ch. 209 and for information as to compliance with the conditional enactment provision, see Historical and Statutory Notes preceding Chapter 1 and following § 16-101.

The 2005 amendment by Ch. 144 rewrote the section, which had read:

"A person who at any election knowingly interferes in any manner with an officer of such election in the discharge of his duty, or who induces an officer of an election or officer whose duty it is to ascertain, announce or declare the result of such election, to violate or refuse to comply with his duty or any law regulating the election, is guilty of a

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A.R.S. § 16-1005

Arizona Revised Statutes Annotated Currentness  
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 Chapter 7. Penal Provisions (Refs & Annos)  
 Article 1. General Provisions (Refs & Annos)

**→ § 16-1005. Early ballot abuse; classification**

Any person who knowingly marks or punches an early ballot with the intent to fix an election for his own benefit or for that of another person is guilty of a class 5 felony.

CREDIT(S)

Added by Laws 1979, Ch. 209, § 3, eff. Jan. 1, 1980. Amended by Laws 1999, Ch. 32, § 12.

<<ARTICLE 1. GENERAL PROVISIONS>>

<For disposition of the subject matter or derivation of sections repealed, added, or transferred and renumbered by Laws 1979, Ch. 209, §§ 2 to 5, effective January 1, 1980, see Disposition and Derivation Tables preceding Chapter 1.>

HISTORICAL AND STATUTORY NOTES

**Source:**

Laws 1970, Ch. 151, § 85.  
 Laws 1972, Ch. 218, § 51.  
 A.R.S. former § 16-1111.  
 Laws 1977, Ch. 135, § 2.  
 Laws 1978, Ch. 201, § 289.

For conditional enactment and effective date provisions and purpose of Laws 1979, Ch. 209 and for information as to compliance with the conditional enactment provision, see Historical and Statutory Notes preceding Chapter 1 and following § 16-101.

The 1999 amendment by Ch. 32 substituted "early voting" for "absentee voting".

CROSS REFERENCES

Classification of offenses, see § 13-601 et seq.  
 Culpable mental state, see § 13-105.  
 Fines, see § 13-801 et seq.  
 Sentence of imprisonment, see § 13-701 et seq.

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A.R.S. § 16-1006

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 Chapter 7. Penal Provisions (Refs & Annos)  
 Article 1. General Provisions (Refs & Annos)

**→ § 16-1006. Changing vote of elector by corrupt means or inducement; classification**

**A.** It is unlawful for a person knowingly by force, threats, menaces, bribery or any corrupt means, either directly or indirectly:

1. To attempt to influence an elector in casting his vote or to deter him from casting his vote.
2. To attempt to awe, restrain, hinder or disturb an elector in the free exercise of the right of suffrage.
3. To defraud an elector by deceiving and causing him to vote for a different person for an office or for a different measure than he intended or desired to vote for.

**B.** A person who violates any provision of this section is guilty of a class 5 felony.

CREDIT(S)

Added by Laws 1979, Ch. 209, § 3, eff. Jan. 1, 1980.

<<ARTICLE 1. GENERAL PROVISIONS>>

<For disposition of the subject matter or derivation of sections repealed, added, or transferred and renumbered by Laws 1979, Ch. 209, §§ 2 to 5, effective January 1, 1980, see Disposition and Derivation Tables preceding Chapter 1.>

HISTORICAL AND STATUTORY NOTES

**Source:**

Pen. Code 1901, §§ 43, 61.  
 Pen. Code 1913, §§ 45, 60.  
 Rev.Code 1928, §§ 4501, 4502, 4510.  
 Code 1939, §§ 43-1507, 43-1508, 43-1516.  
 A.R.S. former §§ 16-1305, 16-1307.  
 Laws 1978, Ch. 201, § 294.

For conditional enactment and effective date provisions and purpose of Laws 1979, Ch. 209 and for information as to compliance with the conditional enactment provision, see Historical and Statutory Notes preceding Chapter 1 and following § 16-101.

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A.R.S. § 16-1007

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 Article 1. General Provisions (Refs & Annos)

**→ § 16-1007. Election officer ascertaining or disclosing elector's vote; classification**

An officer of an election, unless lawfully assisting a voter, is guilty of a class 2 misdemeanor, who knowingly:

1. Previous to the closing of the polls, attempts to find out for whom the elector has voted.
2. Opens or permits the folded ballot of an elector which has been delivered to the election official to be opened or examined previous to depositing it in the ballot box.
3. Makes or places a mark or device on a folded ballot with the intent to ascertain for whom any elector has voted.
4. Without consent of the elector, discloses the name of any person whom the election official has fraudulently or illegally discovered to have been voted for by the elector.

CREDIT(S)

Added by Laws 1979, Ch. 209, § 3, eff. Jan. 1, 1980.

<<ARTICLE 1. GENERAL PROVISIONS>>

<For disposition of the subject matter or derivation of sections repealed, added, or transferred and renumbered by Laws 1979, Ch. 209, §§ 2 to 5, effective January 1, 1980, see Disposition and Derivation Tables preceding Chapter 1.>

HISTORICAL AND STATUTORY NOTES

**Source:**

Pen. Code 1901, § 57.  
 Pen. Code. 1913, § 56.  
 Rev.Code 1928, § 4508.  
 Code 1939, § 43-1514.  
 A.R.S. former § 16-898.  
 Laws 1970, Ch. 151, § 66.  
 Laws 1978, Ch. 201, § 281.

For conditional enactment and effective date provisions and purpose of Laws 1979, Ch. 209 and for information as to compliance with the conditional enactment provision, see Historical and Statutory Notes preceding Chapter 1 and following § 16-101.

CROSS REFERENCES

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A.R.S. § 16-1008

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Arizona Revised Statutes Annotated Currentness  
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   ▣ Chapter 7. Penal Provisions (Refs & Annos)  
     ▣ Article 1. General Provisions (Refs & Annos)

**→ § 16-1008. Election officer changing vote of elector by menace or reward; classification**

An officer of an election who, while acting as such, knowingly induces an elector, either by menace, reward or promise thereof, to vote differently than the elector intended or desired to vote, is guilty of a class 2 misdemeanor.

CREDIT(S)

Added by Laws 1979, Ch. 209, § 3, eff. Jan. 1, 1980.

## &lt;&lt;ARTICLE 1. GENERAL PROVISIONS&gt;&gt;

<For disposition of the subject matter or derivation of sections repealed, added, or transferred and renumbered by Laws 1979, Ch. 209, §§ 2 to 5, effective January 1, 1980, see Disposition and Derivation Tables preceding Chapter 1.>

## HISTORICAL AND STATUTORY NOTES

**Source:**

Pen. Code 1901, § 61.  
 Pen. Code 1913, § 60.  
 Rev. Code 1928, § 4510.  
 Code 1939, § 43-1516.  
 A.R.S. former § 16-899.  
 Laws 1970, Ch. 151, § 67.  
 Laws 1978, Ch. 201, § 282.

For conditional enactment and effective date provisions and purpose of Laws 1979, Ch. 209 and for information as to compliance with the conditional enactment provision, see Historical and Statutory Notes preceding Chapter 1 and following § 16-101.

## CROSS REFERENCES

Bribery and corruption, see § 13-2601 et seq.

## NOTES OF DECISIONS

**Admissibility of evidence 1**

1. Admissibility of evidence

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A.R.S. § 16-1009

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**→ § 16-1009. Failure or refusal to perform duty by election officer; classification**

A public officer upon whom a duty is imposed by this title, who knowingly fails or refuses to perform that duty in the manner prescribed by law, is guilty of a class 3 misdemeanor.

CREDIT(S)

Added by Laws 1979, Ch. 209, § 3, eff. Jan. 1, 1980.

<<ARTICLE 1. GENERAL PROVISIONS>>

<For disposition of the subject matter or derivation of sections repealed, added, or transferred and renumbered by Laws 1979, Ch. 209, §§ 2 to 5, effective January 1, 1980, see Disposition and Derivation Tables preceding Chapter 1.>

HISTORICAL AND STATUTORY NOTES

**Source:**

Rev.Stat.1901, §§ 2344 to 2348.  
 Rev.Stat.1913, §§ 2968, 2970 to 2973.  
 Rev.Code 1928, § 1220.  
 Laws 1937, Ch. 13, § 1.  
 Laws 1952, Ch. 123, § 17.  
 Code 1939, Supp.1952, § 55-516.  
 A.R.S. former § 16-1309.  
 Laws 1978, Ch. 201, § 296.

For conditional enactment and effective date provisions and purpose of Laws 1979, Ch. 209 and for information as to compliance with the conditional enactment provision, see Historical and Statutory Notes preceding Chapter 1 and following § 16-101.

LIBRARY REFERENCES

Elections ☞ 314.  
 Westlaw Topic No. 144.  
 C.J.S. Elections § 327.

A. R. S. § 16-1009, AZ ST § 16-1009

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A.R.S. § 16-1010

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 \* Article 1. General Provisions (Refs & Annos)

**→ § 16-1010. Refusal by election officer to perform duty; violation of election law; classification**

A person charged with performance of any duty under any law relating to elections who knowingly refuses to perform such duty, or who, in his official capacity, knowingly acts in violation of any provision of such law, is guilty of a class 6 felony unless a different punishment for such act or omission is prescribed by law.

CREDIT(S)

Added by Laws 1979, Ch. 209, § 3, eff. Jan. 1, 1980.

<<ARTICLE 1. GENERAL PROVISIONS>>

<For disposition of the subject matter or derivation of sections repealed, added, or transferred and renumbered by Laws 1979, Ch. 209, §§ 2 to 5, effective January 1, 1980, see Disposition and Derivation Tables preceding Chapter 1.>

HISTORICAL AND STATUTORY NOTES

**Source:**

Pen. Code 1901, § 70.  
 Pen. Code 1913, § 65.  
 Rev. Code 1928, § 4513.  
 Code 1939, § 43-1519.  
 A.R.S. former § 16-1310.  
 Laws 1978, Ch. 201, § 297.

For conditional enactment and effective date provisions and purpose of Laws 1979, Ch. 209 and for information as to compliance with the conditional enactment provision, see Historical and Statutory Notes preceding Chapter 1 and following § 16-101.

LIBRARY REFERENCES

Elections ↻314.  
 Westlaw Topic No. 144.  
 C.J.S. Elections § 327.

A. R. S. § 16-1010, AZ ST § 16-1010

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A.R.S. § 16-1011

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 ▣ Chapter 7. Penal Provisions (Refs & Annos)  
 ▣ Article 1. General Provisions (Refs & Annos)

**→ § 16-1011. Counterfeiting election returns; classification**

A person who knowingly forges or counterfeits returns of an election purporting to have been held at a precinct or place where no election was in fact held, or who knowingly substitutes, forges or counterfeits returns of election instead of the true returns for a precinct or place where an election was actually held, is guilty of a class 4 felony.

CREDIT(S)

Added by Laws 1979, Ch. 209, § 3, eff. Jan. 1, 1980.

<<ARTICLE 1. GENERAL PROVISIONS>>

<For disposition of the subject matter or derivation of sections repealed, added, or transferred and renumbered by Laws 1979, Ch. 209, §§ 2 to 5, effective January 1, 1980, see Disposition and Derivation Tables preceding Chapter 1.>

HISTORICAL AND STATUTORY NOTES

**Source:**

Pen. Code 1901, § 58.  
 Pen. Code 1913, § 57.  
 Rev. Code 1928, § 4509.  
 Code 1939, § 43-1515.  
 A.R.S. former § 16-961.  
 Laws 1978, Ch. 201, § 287.

For conditional enactment and effective date provisions and purpose of Laws 1979, Ch. 209 and for information as to compliance with the conditional enactment provision, see Historical and Statutory Notes preceding Chapter 1 and following § 16-101.

CROSS REFERENCES

Classification of offenses, see § 13-601 et seq.

Culpable mental state, see § 13-105.

Fines, see § 13-801 et seq.

Forgery and counterfeiting, see § 13-2001 et seq.

Sentences of imprisonment, see § 13-701 et seq.

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A.R.S. § 16-1012

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 Article 1. General Provisions (Refs & Annos)

**→ § 16-1012. Intimidation of elector by employer; classification**

**A.** It is unlawful for an employer knowingly:

1. In paying employees the salary or wages due them, to enclose their pay in envelopes upon which there is written or printed any political mottoes, devices or arguments, containing threats, express or implied, intended or calculated to influence the political opinions, views or actions of the employees.

2. Within ninety days of an election provided by law, to put up or otherwise exhibit in any place where his employees are working or are present in the course of employment a handbill, notice or placard containing a threat, notice or information that if any particular ticket or candidate is elected or defeated work in his place or establishment will cease in whole or in part, or his establishment will be closed, or the wages of his workmen will be reduced, or other threats, express or implied, intended or calculated to influence the political opinions or actions of his employees.

**B.** An employer, whether acting in his individual capacity or as an officer or agent of a corporation, who violates a provision of this section is guilty of a class 1 misdemeanor.

CREDIT(S)

Added by Laws 1979, Ch. 209, § 3, eff. Jan. 1, 1980.

<<ARTICLE 1. GENERAL PROVISIONS>>

<For disposition of the subject matter or derivation of sections repealed, added, or transferred and renumbered by Laws 1979, Ch. 209, §§ 2 to 5, effective January 1, 1980, see Disposition and Derivation Tables preceding Chapter 1.>

HISTORICAL AND STATUTORY NOTES

**Source:**

Pen. Code 1901, §§ 42, 43.  
 Pen. Code 1913, §§ 44, 45.  
 Rev. Code 1928, §§ 4500 to 4502.  
 Code 1939, §§ 43-1506 to 43-1508.  
 A.R.S. former §§ 16-1304 to 16-1306.  
 Laws 1978, Ch. 201, § 293.

For conditional enactment and effective date provisions and purpose of Laws 1979, Ch. 209 and for information as to compliance with the conditional enactment provision, see Historical and Statutory Notes preceding Chapter 1

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A.R.S. § 16-1013

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 ▣ Chapter 7. Penal Provisions (Refs & Annos)  
 ▣ Article 1. General Provisions (Refs & Annos)

**→ § 16-1013. Coercion or intimidation of elector; classification**

**A.** It is unlawful for a person knowingly:

1. Directly or indirectly, to make use of force, violence or restraint, or to inflict or threaten infliction, by himself or through any other person, of any injury, damage, harm or loss, or in any manner to practice intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting for a particular person or measure at any election provided by law, or on account of such person having voted or refrained from voting at an election.

2. By abduction, duress or any forcible or fraudulent device or contrivance whatever, to impede, prevent or otherwise interfere with the free exercise of the elective franchise of any voter, or to compel, induce or to prevail upon a voter either to cast or refrain from casting his vote at an election, or to cast or refrain from casting his vote for any particular person or measure at an election.

**B.** A person, whether acting in his individual capacity or as an officer or agent of a corporation, who violates a provision of this section is guilty of a class 1 misdemeanor.

CREDIT(S)

Added by Laws 1979, Ch. 209, § 3, eff. Jan. 1, 1980.

<<ARTICLE 1. GENERAL PROVISIONS>>

<For disposition of the subject matter or derivation of sections repealed, added, or transferred and renumbered by Laws 1979, Ch. 209, §§ 2 to 5, effective January 1, 1980, see Disposition and Derivation Tables preceding Chapter 1.>

**HISTORICAL AND STATUTORY NOTES**

**Source:**

Pen. Code 1901, § 42.  
 Pen. Code 1913, § 44.  
 Rev. Code 1928, § 4500.  
 Code 1939, § 43-1506.  
 A.R.S. former § 16-1303.  
 Laws 1978, Ch. 201, § 292.

For conditional enactment and effective date provisions and purpose of Laws 1979, Ch. 209 and for information as to compliance with the conditional enactment provision, see Historical and Statutory Notes preceding Chapter 1

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A.R.S. § 16-1014

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▣ Chapter 7. Penal Provisions (Refs &amp; Annos)

▣ Article 1. General Provisions (Refs &amp; Annos)

**→§ 16-1014. Corruption of electors; classification**

A. It is unlawful for a person, directly or indirectly, by himself or through any other person knowingly:

1. To treat, give, pay, loan, contribute, offer or promise money or other valuable consideration, or to give, offer or promise an office, place or employment, or to promise or to procure or endeavor to procure an office, place or employment, to or for a voter, or to or for any other person, to induce the voter to vote or refrain from voting at an election for any particular person or measure, or to induce the voter to go to the polls, or remain away from the polls at an election, or on account of the voter having voted or refrained from voting for any particular person or measure, or having gone to the polls or remained away from the polls at an election.

2. To advance or pay or cause to be paid, money or other valuable consideration to or for the use of any other person with the intent that it, or any part thereof, be used for bribery at any election provided by law, or to knowingly pay or cause to be paid money or other valuable thing to any person in discharge or repayment of money, wholly or in part expended for bribery at any election.

3. To receive, agree or contract for, before, during or after an election provided by law, money, gifts, loans or other valuable consideration, office, place or employment for himself or other person, for voting or agreeing to vote, or for going or agreeing to go to the polls, or for refraining or agreeing to refrain from voting for a particular person or measure, or for inducing any person to vote or refrain from voting, or to vote or refrain from voting for a particular person or measure at an election.

B. A person violating any provision of this section is guilty of a class 2 misdemeanor.

CREDIT(S)

Added by Laws 1979, Ch. 209, § 3, eff. Jan. 1, 1980.

## &lt;&lt;ARTICLE 1. GENERAL PROVISIONS&gt;&gt;

<For disposition of the subject matter or derivation of sections repealed, added, or transferred and renumbered by Laws 1979, Ch. 209, §§ 2 to 5, effective January 1, 1980, see Disposition and Derivation Tables preceding Chapter 1.>

## HISTORICAL AND STATUTORY NOTES

**Source:**

Pen. Code 1901, §§ 38, 39.

Pen. Code 1913, §§ 39, 40.

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A.R.S. § 16-1015

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**→ § 16-1015. Election wagers; classification**

A person who, before or during an election provided by law, knowingly makes, offers or accepts a bet or wager, or takes a share or interest in, or in any manner becomes a party to the bet or wager, or provides or agrees to provide money to be used by another in making the bet or wager, upon any contingency whatever arising out of such election, is guilty of a class 2 misdemeanor.

**CREDIT(S)**

Added by Laws 1979, Ch. 209, § 3, eff. Jan. 1, 1980.

## &lt;&lt;ARTICLE 1. GENERAL PROVISIONS&gt;&gt;

<For disposition of the subject matter or derivation of sections repealed, added, or transferred and renumbered by Laws 1979, Ch. 209, §§ 2 to 5, effective January 1, 1980, see Disposition and Derivation Tables preceding Chapter 1.>

**HISTORICAL AND STATUTORY NOTES****Source:**

Pen. Code 1901, §§ 41, 51.  
 Pen. Code 1913, §§ 42, 43.  
 Rev. Code 1928, § 4499.  
 Code 1939, § 43-1505.  
 A.R.S. former § 16-1302.  
 Laws 1978, Ch. 201, § 291.

For conditional enactment and effective date provisions and purpose of Laws 1979, Ch. 209 and for information as to compliance with the conditional enactment provision, see Historical and Statutory Notes preceding Chapter 1 and following § 16-101.

**CROSS REFERENCES**

Challenging elector, grounds, see § 16-591.

**LIBRARY REFERENCES**

Elections ↩ 315.  
 Westlaw Topic No. 144.  
 C.J.S. Elections § 328.

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A.R.S. § 16-1016

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**→ § 16-1016. Illegal voting; pollution of ballot box; removal or destruction of ballot box, poll lists or ballots; classification**

A person is guilty of a class 5 felony who:

1. Not being entitled to vote, knowingly votes.
2. Knowingly votes more than once at any election.
3. Knowingly gives to an election official two or more ballots folded together.
4. Knowingly changes or destroys a ballot after it has been deposited in the ballot box.
5. Knowingly adds a ballot to those legally cast at any election, by fraudulently introducing the ballot into the ballot box either before or after the ballots therein have been counted.
6. Knowingly adds to or mixes with ballots lawfully cast, other ballots, while they are being canvassed or counted, with intent to affect the result of the election, or to exhibit the ballots as evidence on the trial of an election contest.
7. Knowingly and unlawfully carries away, conceals or removes a poll list, ballot or ballot box from the polling place, or from possession of the person authorized by law to have custody thereof.
8. Knowingly destroys a polling list, ballot or ballot box with the intent to interrupt or invalidate the election.
9. Knowingly detains, alters, mutilates or destroys ballots or election returns.

CREDIT(S)

Added by Laws 1979, Ch. 209, § 3, eff. Jan. 1, 1980.

<<ARTICLE 1. GENERAL PROVISIONS>>

<For disposition of the subject matter or derivation of sections repealed, added, or transferred and renumbered by Laws 1979, Ch. 209, §§ 2 to 5, effective January 1, 1980, see Disposition and Derivation Tables preceding Chapter 1.>

HISTORICAL AND STATUTORY NOTES

**Source:**

Pen. Code 1901, § 62.

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A.R.S. § 16-1017

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 Article 1. General Provisions (Refs & Annos)

**→ § 16-1017. Unlawful acts by voters with respect to voting; classification**

A voter who knowingly commits any of the following acts is guilty of a class 2 misdemeanor:

1. Makes a false statement as to the voter's inability to mark a ballot.
2. Interferes with a voter within the seventy-five foot limit of the polling place as posted by the election marshal or within seventy-five feet of the main outside entrance to an on-site early voting location established by a county recorder pursuant to § 16-542, subsection A.
3. Endeavors while within the seventy-five foot limit for a polling place or on-site early voting location to induce a voter to vote for or against a particular candidate or issue.
4. Prior to the close of an election defaces or destroys a sample ballot posted by election officers, or defaces, tears down, removes or destroys a card of instructions posted for the instruction of voters.
5. Removes or destroys supplies or conveniences furnished to enable a voter to prepare the voter's ballot.
6. Hinders the voting of others.
7. Votes in a county in which the voter no longer resides, except as provided in § 16-125.

CREDIT(S)

Added by Laws 1979, Ch. 209, § 3, eff. Jan. 1, 1980. Amended by Laws 1993, Ch. 98, § 67, eff. Jan. 1, 1994; Laws 1999, Ch. 32, § 13; Laws 2005, Ch. 98, § 12.

<<ARTICLE 1. GENERAL PROVISIONS>>

<For disposition of the subject matter or derivation of sections repealed, added, or transferred and renumbered by Laws 1979, Ch. 209, §§ 2 to 5, effective January 1, 1980, see Disposition and Derivation Tables preceding Chapter 1.>

HISTORICAL AND STATUTORY NOTES

Source:

Rev.Stat. 1901, §§ 2344 to 2348.

Rev.Stat. 1913, §§ 2968, 2970 to 2973.

Rev.Code 1928, § 1220.

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A.R.S. § 16-1018

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 ◻ Chapter 7. Penal Provisions (Refs & Annos)  
 ◻ Article 1. General Provisions (Refs & Annos)

**→ § 16-1018. Additional unlawful acts by persons with respect to voting; classification**

A person who commits any of the following acts is guilty of a class 2 misdemeanor:

1. Knowingly electioneers on election day within a polling place or in a public manner within seventy-five feet of the main outside entrance of a polling place or on-site early voting location established by a county recorder pursuant to § 16-542, subsection A.
2. Intentionally disables or removes from the polling place, on-site early voting location or custody of an election official a voting machine or a voting record.
3. Knowingly removes an official ballot from a polling place before closing the polls.
4. Shows the voter's ballot or the machine on which the voter has voted to any person after it is prepared for voting in such a manner as to reveal the contents, except to an authorized person lawfully assisting the voter.
5. Knowingly solicits a voter to show the voter's ballot, or receives from a voter a ballot prepared for voting, unless the person is an election official or unless otherwise authorized by law.
6. Knowingly receives an official ballot from a person other than an election official having charge of the ballots.
7. Knowingly delivers an official ballot to a voter, unless the voter is an election official.
8. Except for a completed ballot transmitted by an elector by fax pursuant to § 16-543, knowingly places a mark on the voter's ballot by which it can be identified as the one voted by the voter.
9. After having received a ballot as a voter, knowingly fails to return the ballot to the election official before leaving the polling place or on-site early voting location.

CREDIT(S)

Added by Laws 1979, Ch. 209, § 3, eff. Jan. 1, 1980. Amended by Laws 1993, Ch. 98, § 68, eff. Jan. 1, 1994; Laws 1999, Ch. 32, § 14; Laws 2000, Ch. 249, § 32, eff. Sept. 1, 2000; Laws 2003, Ch. 38, § 4.

<<ARTICLE 1. GENERAL PROVISIONS>>

<For disposition of the subject matter or derivation of sections repealed, added, or transferred and renumbered by Laws 1979, Ch. 209, §§ 2 to 5, effective January 1, 1980, see Disposition and Derivation Tables preceding Chapter 1.>

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 ▣ Article 1. General Provisions (Refs & Annos)

→ § 16-1019. Political signs; tampering; classification

**A.** It is a class 2 misdemeanor for any person to knowingly remove, alter, deface or cover any political sign of any candidate for public office for the period commencing forty-five days prior to a primary election and ending seven days after the general election.

**B.** The provisions of this section shall not apply to the removal, alteration, defacing or covering of a political sign by the candidate or the authorized agent of the candidate in support of whose election the sign was placed, or by the owner or authorized agent of the owner of private property on which such signs are placed with or without permission of the owner, or placed in violation of state law, or county, city or town ordinance or regulation.

CREDIT(S)

Added by Laws 1979, Ch. 209, § 3, eff. Jan. 1, 1980.

<<ARTICLE 1. GENERAL PROVISIONS>>

<For disposition of the subject matter or derivation of sections repealed, added, or transferred and renumbered by Laws 1979, Ch. 209, §§ 2 to 5, effective January 1, 1980, see Disposition and Derivation Tables preceding Chapter 1.>

HISTORICAL AND STATUTORY NOTES

**Source:**

Laws 1962, Ch. 124, § 1.  
 A.R.S. former § 16-1312.  
 Laws 1978, Ch. 201, § 298.

For conditional enactment and effective date provisions and purpose of Laws 1979, Ch. 209 and for information as to compliance with the conditional enactment provision, see Historical and Statutory Notes preceding Chapter 1 and following § 16-101.

LIBRARY REFERENCES

Elections ↪309.  
 Westlaw Topic No. 144.  
 C.J.S. Elections §§ 324, 334.

A. R. S. § 16-1019, AZ ST § 16-1019

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 Article 1. General Provisions (Refs & Annos)

**→ § 16-1020. Signing of petitions; violation; classification**

A person knowingly signing any name other than his own to a nomination petition or a petition for formation, alteration or dissolution of a special district, except in a circumstance where he signs for a person, in the presence of and at the specific request of such person who is incapable of signing his own name because of physical infirmity, or knowingly signing his name more than once to a nomination petition or a petition for formation, alteration or dissolution of a special district, or who is not at the time of signing a qualified elector entitled to vote at the election initiated by the petition, is guilty of a class 1 misdemeanor.

CREDIT(S)

Added by Laws 1981, Ch. 227, § 8.

<<ARTICLE 1. GENERAL PROVISIONS>>

<For disposition of the subject matter or derivation of sections repealed, added, or transferred and renumbered by Laws 1979, Ch. 209, §§ 2 to 5, effective January 1, 1980, see Disposition and Derivation Tables preceding Chapter 1.>

## LIBRARY REFERENCES

Elections ↪309.  
 Westlaw Topic No. 144.  
 C.J.S. Elections §§ 324, 334.

A. R. S. § 16-1020, AZ ST § 16-1020

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▣ Chapter 7. Penal Provisions (Refs &amp; Annos)

▣ Article 1. General Provisions (Refs &amp; Annos)

**→ § 16-1021. Enforcement by attorney general and county, city or town attorney**

In any election for state office, members of the legislature, justices of the supreme court, judges of the court of appeals or statewide initiative or referendum the attorney general may enforce the provisions of this title through civil and criminal actions. In any election for county, city or town office, community college district governing board, judge or a county, city or town initiative or referendum, the appropriate county, city or town attorney may enforce the provisions of this title through civil and criminal actions. In any special district election, the county attorney of any county in which the district or a portion of the district is located or the attorney general may enforce the laws governing such election.

CREDIT(S)

Added by Laws 1985, Ch. 292, § 19. Amended by Laws 1986, Ch. 320, § 30.

## &lt;&lt;ARTICLE 1. GENERAL PROVISIONS&gt;&gt;

<For disposition of the subject matter or derivation of sections repealed, added, or transferred and renumbered by Laws 1979, Ch. 209, §§ 2 to 5, effective January 1, 1980, see Disposition and Derivation Tables preceding Chapter 1.>

## HISTORICAL AND STATUTORY NOTES

The 1986 amendment added the last sentence, relating to special district elections.

## Reviser's Notes:

**1985 Note.** Pursuant to authority of § 41-1304.02, in the section heading "Enforcement by" was substituted for "Powers of".

A. R. S. § 16-1021, AZ ST § 16-1021

Current through End of the Forty-Seventh Legislature,  
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West's Colorado Revised Statutes Annotated Currentness

Title 1. Elections (Refs &amp; Annos)

General, Primary, and Congressional Vacancy Elections

▣ Article 13. Election Offenses (Refs &amp; Annos)

▣ Part 1. Offenses--General Provisions

**→ § 1-13-101. District attorney or attorney general to prosecute**

(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.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1.

## LIBRARY REFERENCES

2000 Main Volume

Elections ◊ 326.

Westlaw Topic No. 144.

C.J.S. Elections § 338.

## NOTES OF DECISIONS

**Injunctions 1**

## 1. Injunctions

The state, through its Attorney General, may maintain a bill in equity in its sovereign capacity to enjoin a conspiracy to commit illegal and fraudulent acts which will result in the pollution of the ballot box and the perversion of an election, though the acts charged if committed, constitute criminal offenses. *People v. Tool*, 1905, 86 P. 224, 35 Colo. 225, 117 Am.St.Rep. 198. States ◊ 192

The interest of the state in a pure election is not limited to the protection which may be afforded by the punishment of those, through criminal prosecutions, who violate the laws relating to elections by padding registration lists, permitting repeating, and falsifying election returns, but equity will afford protection by enjoining the crime. *People v. Tool*, 1905, 86 P. 224, 35 Colo. 225, 117 Am.St.Rep. 198. Injunction ◊ 78

C. R. S. A. § 1-13-101, CO ST § 1-13-101

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C.R.S.A. § 1-13-102

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**→§ 1-13-102. Sufficiency of complaint—judicial notice**

Irregularities or defects in the mode of calling, giving notice of, convening, holding, or conducting any general, primary, or congressional vacancy election authorized by law constitute no defense to a prosecution for a violation of this code. When an offense is committed in relation to any general, primary, or congressional vacancy election, an indictment, information, or complaint for such offense is sufficient if it alleges that such election was authorized by law without stating the call or notice of the election, the names of the judges holding such election, or the names of the persons voted for at such election. Judicial notice shall be taken of the holding of any general, primary, or congressional vacancy election.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1.

## LIBRARY REFERENCES

2000 Main Volume

Elections ↩321, 328(1).  
 Evidence ↩45.  
 Westlaw Topic Nos. 144, 157.  
 C.J.S. Elections §§ 335, 345, 346.  
 C.J.S. Evidence § 51.

C. R. S. A. § 1-13-102, CO ST § 1-13-102

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**→ § 1-13-103. Immunity of witness from prosecution**

Any person violating any of the provisions of this code is a competent witness against any other violator and may be compelled to attend and testify at any trial, hearing, proceeding, or investigation in the same manner as other persons; but the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying, except for perjury in giving such testimony. A person so testifying shall not thereafter be liable to indictment, prosecution, or punishment for the offense with reference to which his testimony was given and may plead or prove the giving of testimony accordingly in bar of such indictment or prosecution.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1.

LIBRARY REFERENCES

2000 Main Volume

- Witnesses ↪ 293 1/2.
- Westlaw Topic No. 410.
- C.J.S. Witnesses § 433.

C. R. S. A. § 1-13-103, CO ST § 1-13-103

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C.R.S.A. § 1-13-104

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**→§ 1-13-104. Perjury**

Any person, having taken any oath or made any affirmation required by this code, who swears or affirms willfully, corruptly, and falsely in a matter material to the issue or point in question or who suborns any other person to swear or affirm as aforesaid commits perjury in the second degree as set forth in section 18-8-503, C.R.S., and shall be punished as provided in section 18-1.3-501, C.R.S.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1. Amended by Laws 2002, Ch. 318, § 5, eff. Oct. 1, 2002.

## HISTORICAL AND STATUTORY NOTES

## 2006 Electronic Pocket Part Update

Laws 2002, Ch. 318, § 2, amended and relocated Article 1.3 of Title 18, effective October 1, 2002, from provisions formerly located in Articles 7, 8, 9, 11, 11.5, 13, and 18.5 of Title 16, Articles 26, 27, 27.8, and 27.9 of Title 17, and Articles 1 and 4 of Title 18. Section 5 of that Act made conforming amendments to this section.

## CROSS REFERENCES

Challenge to be made by written oath, see § 1-9-202.

Self-affirmation, false statements, see § 1-1-104.

Signature on registration sheet is proof of oath, see § 1-13-207.

## LIBRARY REFERENCES

## 2000 Main Volume

Elections ↪317, 332.  
 Westlaw Topic No. 144.  
 C.J.S. Elections §§ 329, 353.

C. R. S. A. § 1-13-104, CO ST § 1-13-104

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**→§ 1-13-105. False certificates by officers**

Any notary public or any officer authorized by law to administer oaths who knowingly makes a false certificate in regard to a matter connected with an election held under the laws of this state commits a class 1 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1. Amended by Laws 2002, Ch. 318, § 6, eff. Oct. 1, 2002.

HISTORICAL AND STATUTORY NOTES

2006 Electronic Pocket Part Update

Laws 2002, Ch. 318, § 2, amended and relocated Article 1.3 of Title 18, effective October 1, 2002, from provisions formerly located in Articles 7, 8, 9, 11, 11.5, 13, and 18.5 of Title 16, Articles 26, 27, 27.8, and 27.9 of Title 17, and Articles 1 and 4 of Title 18. Section 6 of that Act made conforming amendments to this section.

LIBRARY REFERENCES

2000 Main Volume

Elections ↪314, 332.

Westlaw Topic No. 144.

C.J.S. Elections §§ 327, 353.

C. R. S. A. § 1-13-105, CO ST § 1-13-105

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C.R.S.A. § 1-13-106

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**→ § 1-13-106. Forgery**

Any person who falsely makes, alters, forges, or counterfeits any ballot before or after it has been cast, or who forges any name of a person as a signer or witness to a petition or nomination paper, or who forges any letter of acceptance, declination, or withdrawal, or who forges the name of a registered elector to an absentee voter's ballot commits forgery as set forth in section 18-5-102, C.R.S., and shall be punished as provided in section 18-1.3-401, C.R.S.

## CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1. Amended by Laws 1993, H.B.93-1255, § 120, eff. July 1, 1993; Laws 1994, S.B.94-206, § 5, eff. May 31, 1994; Laws 2002, Ch. 318, § 7, eff. Oct. 1, 2002.

## HISTORICAL AND STATUTORY NOTES

## 2006 Electronic Pocket Part Update

Laws 2002, Ch. 318, § 2, amended and relocated Article 1.3 of Title 18, effective October 1, 2002, from provisions formerly located in Articles 7, 8, 9, 11, 11.5, 13, and 18.5 of Title 16, Articles 26, 27, 27.8, and 27.9 of Title 17, and Articles 1 and 4 of Title 18. Section 7 of that Act made conforming amendments to this section.

## 2000 Main Volume

The 1993 amendment substituted "absentee" for "absent" and deleted "1973" following "C.R.S." in two places.

The 1994 amendment deleted "in the second degree" following "commits forgery", and substituted "section 18-5-102" for "section 18-5-103".

## CROSS REFERENCES

Absentee ballots, investigation of forged affidavits, see § 1-8-304.

## LIBRARY REFERENCES

## 2000 Main Volume

Elections ↪ 318, 332.

Westlaw Topic No. 144.

C.J.S. Elections §§ 331, 353.

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C.R.S.A. § 1-13-107

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**→ § 1-13-107. Violation of duty**

Any public officer, election official, or other person upon whom any duty is imposed by this code who violates, neglects, or fails to perform such duty or is guilty of corrupt conduct in the discharge of the same or any notary public or other officer authorized by law to administer oaths who administers any oath knowing it to be false or who knowingly makes a false certificate in regard to a matter connected with any election provided by law is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13- 111.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1.

## LIBRARY REFERENCES

2000 Main Volume

Elections ↪ 314, 332.

Westlaw Topic No. 144.

C.J.S. Elections §§ 327, 353.

C. R. S. A. § 1-13-107, CO ST § 1-13-107

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C.R.S.A. § 1-13-109

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**→§ 1-13-109: False statements relating to candidates or questions submitted to electors—penalties—definitions**

(1)(a) No person shall knowingly make, publish, broadcast, or circulate or cause to be made, published, broadcasted, or circulated in any letter, circular, advertisement, or poster or in any other 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.

(b) Any person who violates any provision of paragraph (a) of this subsection (1) commits a class 1 misdemeanor and, upon conviction thereof, shall be punished as provided in section 18-1.3-501, C.R.S.

(2)(a) No person shall recklessly make, publish, broadcast, or circulate or cause to be made, published, broadcasted, or circulated in any letter, circular, advertisement, or poster or in any other 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. Notwithstanding any other provision of law, for purposes of this subsection (2), 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.

(b) Any person who violates any provision of paragraph (a) of this subsection (2) commits a class 2 misdemeanor and, upon conviction thereof, shall be punished as provided in section 18-1.3-501, C.R.S.

(3) For purposes of this section, "person" means any natural person, partnership, committee, association, corporation, labor organization, political party, or other organization or group of persons, including a group organized under section 527 of the Internal Revenue Code.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1. Amended by Laws 2002, Ch. 318, § 8, eff. Oct. 1, 2002; Laws 2005, Ch. 305, § 1, eff. Sept. 1, 2005.

## HISTORICAL AND STATUTORY NOTES

## 2006 Electronic Pocket Part Update

Laws 2002, Ch. 318, § 2, amended and relocated Article 1.3 of Title 18, effective October 1, 2002, from provisions formerly located in Articles 7, 8, 9, 11, 11.5, 13, and 18.5 of Title 16, Articles 26, 27, 27.8, and 27.9 of Title 17, and Articles 1 and 4 of Title 18. Section 8 of that Act made conforming amendments to this section.

Laws 2005, Ch. 305, § 1, rewrote this section, which previously read:

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C.R.S.A. § 1-13-110

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**→ § 1-13-110. Wagers with electors**

It is unlawful for any person, including any candidate for election to public office, before or during any election provided by law, to make any bet or wager with an elector, or take a share or interest in, or in any manner become a party to, any such bet or wager, or provide or agree to provide any money to be used by another in making such bet or wager upon any event or contingency arising out of such election. Each such offense is a misdemeanor, and, upon conviction thereof, the offender shall be punished as provided in section 1- 13-111.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1.

## LIBRARY REFERENCES

2000 Main Volume

Elections ↪ 315, 332.

Westlaw Topic No. 144.

C.J.S. Elections §§ 328, 353.

## NOTES OF DECISIONS

**Removal from office 1**

## 1. Removal from office

Laws 1891, p. 168, making it unlawful for any candidate to provide, or agree to provide, money to be used by another in making any bet on any event arising out of the election, and declaring that a violation thereof shall be a misdemeanor, does not authorize the removal by the board of trustees of a mayor who has violated it, in the absence of a prosecution and conviction of such offense in a court of competent jurisdiction. Board of Trustees of Town of Gillett v. People ex rel. Keith, App.1899, 59 P. 72, 13 Colo.App. 553. Municipal Corporations ↪ 156

C. R. S. A. § 1-13-110, CO ST § 1-13-110

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**→§ 1-13-111. Penalties for election offenses**

In all cases where an offense is denominated by this code as being a misdemeanor and no penalty is specified, the offender, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1.

CROSS REFERENCES

Defacing petitions, misdemeanor violation, see § 1-13-403.

Elected officials not to handle voting machines or electronic voting equipment or devices, see § 1-5-607.

Voter registration drives, organizer violations, penalties, see § 1-2-703.

LIBRARY REFERENCES

2000 Main Volume

Elections ↪332.  
 Westlaw Topic No. 144.  
 C.J.S. Elections § 353.

C. R. S. A. § 1-13-111, CO ST § 1-13-111

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C.R.S.A. § 1-13-112

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**→ § 1-13-112. Offenses relating to mail ballots**

Any person who, by use of force or other means, unduly influences an elector to vote in any particular manner or to refrain from voting, or who falsely makes, alters, forges, or counterfeits any mail ballot before or after it has been cast, or who destroys, defaces, mutilates, or tampers with such a ballot shall be punished by a fine of not more than five thousand dollars, or by imprisonment in the county jail for not more than eighteen months, or by both such fine and imprisonment.

CREDIT(S)

Added by Laws 1990, S.B.90-97, § 2, eff. Jan. 1, 1991. Amended by Laws 1995, H.B.95-1241, § 81, eff. July 1, 1995.

## HISTORICAL AND STATUTORY NOTES

2000 Main Volume

The 1995 amendment substituted "shall be punished by a fine of not more than five thousand dollars, or by imprisonment in the county jail for not more than eighteen months, or by both such fine and imprisonment" for "is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111".

Former § 1-13-112 was deleted from this article as repealed and reenacted by Laws 1980, S.B.12, § 1.

## CROSS REFERENCES

Mail Ballot Election Act, see § 1-7.5-101 et seq.

C. R. S. A. § 1-13-112, CO ST § 1-13-112

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C.R.S.A. § 1-13-113

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**→§ 1-13-113. Interference with distribution of election material**

During the period beginning forty-five days before and ending four days after any election, 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, commits a misdemeanor and shall be punished by a fine of not more than seven hundred fifty dollars. Any person found guilty of removing, defacing, or destroying any billboard, sign, or written material shall pay the cost of replacement. The owner of the premises, an authorized agent of the owner, or any person charged with enforcement of any state law, ordinance, or regulation may remove any billboard, sign, or written material without penalty when placed without permission or authorization of the owner of such premises, or in violation of state law or county or municipal ordinance or regulation, or which is in place at any time other than during the period beginning forty-five days before and ending four days after any election.

CREDIT(S)

Added by Laws 1993, S.B.93-228, § 1, eff. July 1, 1993.

## HISTORICAL AND STATUTORY NOTES

2000 Main Volume

Section 2 of Laws 1993, S.B.93-228, adding this section, provides:

**"Effective date—applicability.** This act shall take effect July 1, 1993, and shall apply to offenses committed on or after said date."

Former § 1-13-113 was deleted from this article as repealed and reenacted by Laws 1980, S.B.12, § 1.

## LIBRARY REFERENCES

2000 Main Volume

Elections ↪311.  
 Westlaw Topic No. 144.  
 C.J.S. Elections § 324.

C. R. S. A. § 1-13-113, CO ST § 1-13-113

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C.R.S.A. § 1-13-114

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**→§ 1-13-114. Failure to comply with requirements of secretary of state**

Any person who willfully interferes or willfully refuses to comply with the rules of the secretary of state or the secretary of state's designated agent in the carrying out of the powers and duties prescribed in section 1-1-107 is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

CREDIT(S)

Added by Laws 1996, H.B.96-1061, § 48, eff. July 1, 1996.

HISTORICAL AND STATUTORY NOTES

2000 Main Volume

This section was derived from former § 1-1-107(3).

C. R. S. A. § 1-13-114, CO ST § 1-13-114

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▣ Part 2. Offenses--Qualifications and Registration of Electors (Refs &amp; Annos)

**→§ 1-13-201. Interfering with or impeding registration**

Any person who intentionally interferes with or impedes the registration of electors, whether by act of commission or by failure to perform any act or duty imposed or required for the proper administration of parts 2 and 3 of article 2 of this title, or who knowingly permits or encourages another to do so is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111. A person who collects a voter registration application from an eligible elector for mailing or delivery to the county clerk and recorder and who fails to mail or deliver the application to the proper county clerk and recorder within five business days after the application is signed is guilty of a violation of this section.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1. Amended by Laws 2005, Ch. 309, § 54, eff. June 6, 2005; Laws 2005, Ch. 310, § 54, eff. June 6, 2005.

## HISTORICAL AND STATUTORY NOTES

## 2006 Electronic Pocket Part Update

Laws 2005, Ch. 309, § 54 and Laws 2005, Ch. 310, § 54, added the second sentence.

## LIBRARY REFERENCES

2000 Main Volume

Elections ↻319, 332.  
Westlaw Topic No. 144.  
C.J.S. Elections §§ 330, 353.

C. R. S. A. § 1-13-201, CO ST § 1-13-201

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**→§ 1-13-202. Unlawful qualification as taxpaying elector**

It is unlawful to take or place title to property in the name of another or to pay the taxes or to take or issue a tax receipt in the name of another for the purpose of attempting to qualify such person as a taxpaying elector or as a qualified taxpaying elector or to aid or assist any person to do so. The ballot of any person violating this section shall be void. Any person, company, corporation, or association violating this section shall forfeit and lose all rights, franchises, or other benefits accruing or to accrue to the benefit of such person, company, corporation, or association by or as the result of any such election. Any person who violates any of the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1.

## LIBRARY REFERENCES

2000 Main Volume

Elections ↪317, 323, 332.

Westlaw Topic No. 144.

C.J.S. Elections §§ 329, 353, 355.

C. R. S. A. § 1-13-202, CO ST § 1-13-202

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**→§ 1-13-203. Procuring false registration**

It is unlawful for any person to procure his or her own name, or the name of any other person, to be registered in the registration book of a precinct in which such person is not, at the time of such registration, entitled to be registered or for any person to procure any fictitious name to be registered in the registration book of any precinct. Any person who violates any of the provisions of this section shall be punished by a fine of not more than five thousand dollars, or by imprisonment in the county jail for not more than eighteen months, or by both such fine and imprisonment. Each violation shall be considered a separate offense.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1. Amended by Laws 1995, H.B.95-1241, § 82, eff. July 1, 1995.

## HISTORICAL AND STATUTORY NOTES

2000 Main Volume

The 1995 amendment, in the first sentence, inserted "or her", and in the second sentence, substituted "shall be punished by a fine of not more than five thousand dollars, or by imprisonment in the county jail for not more than eighteen months, or by both such fine and imprisonment" for "is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111".

## LIBRARY REFERENCES

2000 Main Volume

Elections ↪312, 332.

Westlaw Topic No. 144.

C.J.S. Elections §§ 326, 353.

C. R. S. A. § 1-13-203, CO ST § 1-13-203

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▣ Part 2. Offenses--Qualifications and Registration of Electors (Refs &amp; Annos)

**→§ 1-13-204. Adding names after registration closed**

No name shall be added to the registration book of any precinct after the close of the registration, and, if any county clerk and recorder, judge of election, or other person willfully and knowingly adds any such name of any person or any fictitious or false name to the registration book of any precinct after the close of registration, he is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than two hundred dollars nor more than five hundred dollars. Each violation shall be considered a separate offense.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1.

CROSS REFERENCES

Federal postcard applications from persons in United States service, see § 1-2-208.

LIBRARY REFERENCES

2000 Main Volume

Elections ↪317, 332.

Westlaw Topic No. 144.

C.J.S. Elections §§ 329, 353.

C. R. S. A. § 1-13-204, CO ST § 1-13-204

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▣ Article 13. Election Offenses (Refs & Annos)

▣ Part 2. Offenses--Qualifications and Registration of Electors (Refs & Annos)

**→§ 1-13-205. County clerk and recorder signing wrongful registration**

Every county clerk and recorder who willfully signs his name on the registration record opposite the name of any person knowing that said person is not legally entitled to be registered pursuant to the provisions of section 1-2-101 is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1. Amended by Laws 1991, H.B.91-1137, § 79, eff. May 1, 1991.

HISTORICAL AND STATUTORY NOTES

2000 Main Volume

The 1991 amendment substituted "registration record" for "registration sheet".

LIBRARY REFERENCES

2000 Main Volume

Elections ↻312, 332.

Westlaw Topic No. 144.

C.J.S. Elections §§ 326, 353.

C. R. S. A. § 1-13-205, CO ST § 1-13-205

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C.R.S.A. § 1-13-207

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General, Primary, and Congressional Vacancy Elections

▣ Article 13. Election Offenses (Refs & Annos)

▣ Part 2. Offenses--Qualifications and Registration of Electors (Refs & Annos)

**→§ 1-13-207. Signature on registration record is proof of oath**

Any elector, election official, or other person, by his signature on the registration record, shall be conclusively deemed in law to have duly verified such registration record. The registration record containing such signature, or a copy thereof certified by the county clerk and recorder, shall be admissible in evidence as proof of the taking of an oath or affirmation as to the information contained therein in all criminal proceedings pursuant to sections 1-13-104, 1-13-203, and 1-13-205.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1. Amended by Laws 1991, H.B.91-1137, § 80, eff. May 1, 1991.

**HISTORICAL AND STATUTORY NOTES**

2000 Main Volume

The 1991 amendment substituted "registration record" for "registration sheet" throughout the section.

**LIBRARY REFERENCES**

2000 Main Volume

Elections ↪329.

Westlaw Topic No. 144.

C.J.S. Elections § 348 et seq.

C. R. S. A. § 1-13-207, CO ST § 1-13-207

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C.R.S.A. § 1-13-208

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General, Primary, and Congressional Vacancy Elections

▣ Article 13. Election Offenses (Refs &amp; Annos)

▣ Part 2. Offenses--Qualifications and Registration of Electors (Refs &amp; Annos)

**→§ 1-13-208. Deputy county clerk and recorder--influencing party affiliation**

Any deputy county clerk and recorder for voter registration purposes, or employee of the department of revenue who is authorized to conduct voter registration at local driver's license examination facilities, or employee of a voter registration agency who is authorized to conduct voter registration who influences or attempts to influence any person during the registration process to affiliate with a political party or to affiliate with a specific political party is guilty of a misdemeanor and, upon conviction, shall be punished as provided in section 1-13-111.

CREDIT(S)

Added by Laws 1992, H.B.92-1333, § 16, eff. Jan. 1, 1993. Amended by Laws 1994, H.B.94-1294, § 34, eff. Jan. 1, 1995.

## HISTORICAL AND STATUTORY NOTES

2000 Main Volume

The 1994 amendment substituted "employee of a voter registration agency who is authorized to conduct voter registration" for "person authorized to conduct voter registration at branch registration sites".

C. R. S. A. § 1-13-208, CO ST § 1-13-208

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C.R.S.A. § 1-13-209

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Title 1. Elections (Refs & Annos)

General, Primary, and Congressional Vacancy Elections

▣ Article 13. Election Offenses (Refs & Annos)

▣ Part 2. Offenses--Qualifications and Registration of Electors (Refs & Annos)

**→ § 1-13-209. High school deputy registrar--influencing party affiliation**

Any high school deputy registrar for voter registration purposes who influences or attempts to influence any person during the registration process to affiliate with a political party or to affiliate with a specific political party is guilty of a misdemeanor and, upon conviction, shall be punished as provided in section 1-13-111.

CREDIT(S)

Added by Laws 1992, H.B.92-1317, § 2, eff. July 1, 1992. Amended by Laws 1993, H.B.93-1255, § 121, eff. July 1, 1993.

HISTORICAL AND STATUTORY NOTES

2000 Main Volume

The 1993 amendment substituted "registrar" for "county clerk and recorder".

C. R. S. A. § 1-13-209, CO ST § 1-13-209

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C.R.S.A. § 1-13-301

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Title 1. Elections (Refs & Annos)

General, Primary, and Congressional Vacancy Elections

▣ Article 13. Election Offenses (Refs & Annos)

▣ Part 3. Offenses--Political Party Organization (Refs & Annos)

**→ § 1-13-301. Fraud at precinct caucus, assembly, or convention**

Any person in authority at any precinct caucus, assembly, or convention who in any manner dishonestly, corruptly, or fraudulently performs any act devolving on him by virtue of the position of trust which he fills or knowingly aids or abets any other person to do any fraudulent, dishonest, or corrupt act or thing in reference to the carrying on of any precinct caucus, assembly, or convention or the ascertaining or promulgating of its true will is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13- 111.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1.

LIBRARY REFERENCES

2000 Main Volume

Elections ↪ 314, 332.

Westlaw Topic No. 144.

C.J.S. Elections §§ 327, 353.

C. R. S. A. § 1-13-301, CO ST § 1-13-301

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C.R.S.A. § 1-13-302

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General, Primary, and Congressional Vacancy Elections

▣ Article 13. Election Offenses (Refs & Annos)

▣ Part 3. Offenses--Political Party Organization (Refs & Annos)

**→ § 1-13-302. Fraudulent voting in precinct caucus, assembly, or convention**

Any person who fraudulently participates and votes in a precinct caucus, assembly, or convention when he is not a member of the political party holding such precinct caucus, assembly, or convention, as shown on the registration books of the county clerk and recorder, is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1.

LIBRARY REFERENCES

2000 Main Volume

Elections ↪ 318, 332.

Westlaw Topic No. 144.

C.J.S. Elections §§ 331, 353.

C. R. S. A. § 1-13-302, CO ST § 1-13-302

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C.R.S.A. § 1-13-303

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▣ Article 13. Election Offenses (Refs &amp; Annos)

▣ Part 3. Offenses--Political Party Organization (Refs &amp; Annos)

**→§ 1-13-303. Offenses at precinct caucus, assembly, or convention**

(1) It is unlawful for any person at any precinct caucus, assembly, or convention:

- (a) To fraudulently vote more than once; or
- (b) To knowingly hand in two or more ballots deceitfully folded together; or
- (c) To knowingly procure, aid, counsel, or advise another to vote or attempt to vote fraudulently or corruptly; or
- (d) To falsely personate any elector and vote under his name or under an assumed name; or
- (e) To fraudulently procure, aid, abet, or encourage, directly or indirectly, any person to attempt to falsely personate any elector or to vote under an assumed name; or
- (f) To influence any voter in the casting of his vote by bribery, duress, or any other corrupt or fraudulent means; or
- (g) To receive any money or valuable thing, or the promise of either, for casting his vote for or against any person or measure or to offer his vote for or against any person or measure in consideration of money or other valuable thing, or the promise of either.

(2) Each offense mentioned in subsection (1) of this section is a misdemeanor, and, upon conviction thereof, the offender shall be punished as provided in section 1-13-111.

**CREDIT(S)**

Repealed and reenacted by Laws 1980, S.B.1, § 1.

**LIBRARY REFERENCES**

2000 Main Volume

Elections ↻316, 318, 332.  
 Westlaw Topic No. 144.  
 C.J.S. Elections §§ 331, 332, 353.

C. R. S. A. § 1-13-303, CO ST § 1-13-303

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C.R.S.A. § 1-13-401

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General, Primary, and Congressional Vacancy Elections

▣ Article 13. Election Offenses (Refs & Annos)

▣ Part 4. Offenses--Access to Ballot by Candidate (Refs & Annos)

**→§ 1-13-401. Bribery of petition signers**

Any person who offers or, with knowledge of the same, permits any person to offer for his benefit any bribe or promise of gain to an elector to induce him to sign any petition or other election paper or any person who accepts any bribe or promise of gain of any kind in the nature of a bribe as consideration for signing the same, whether such bribe or promise of gain in the nature of a bribe is offered or accepted before or after signing, is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1.

LIBRARY REFERENCES

2000 Main Volume

Elections ↻316, 332.

Westlaw Topic No. 144.

C.J.S. Elections §§ 332, 353.

C. R. S. A. § 1-13-401, CO ST § 1-13-401

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C.R.S.A. § 1-13-402

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▣ Article 13. Election Offenses (Refs &amp; Annos)

▣ Part 4. Offenses--Access to Ballot by Candidate (Refs &amp; Annos)

**→§ 1-13-402. Tampering with nomination papers--nomination petitions**

(1) Any person who, being in possession of any petition, certificate of nomination, or letter of acceptance, declination, or withdrawal, wrongfully or willfully destroys, defaces, mutilates, suppresses, neglects to file, or fails to cause to be filed the same within the prescribed time or who files any such paper knowing the same, or any part thereof, to be falsely made or who adds, amends, alters, or in any way changes the information on the petition as written by a signing elector is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

(2) Any person who willfully destroys, defaces, mutilates, or suppresses any nomination petition or who willfully neglects to file or delays the delivery of the nomination petition or who conceals or removes any petition from the possession of the person authorized by law to have the custody thereof, or who aids, counsels, procures, or assists any person in doing any of said acts commits a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1. Amended by Laws 1988, H.B.1358, § 5; Laws 1989, S.B.129, § 26, eff. May 9, 1989.

## LIBRARY REFERENCES

2000 Main Volume

Elections ↪317, 332.

Westlaw Topic No. 144.

C.J.S. Elections §§ 329, 353.

C. R. S. A. § 1-13-402, CO ST § 1-13-402

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C.R.S.A. § 1-13-403

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▣ Article 13. Election Offenses (Refs &amp; Annos)

▣ Part 4. Offenses--Access to Ballot by Candidate (Refs &amp; Annos)

**→ § 1-13-403. Defacing of petitions other than nominating petitions**

Any person who willfully destroys, defaces, mutilates, or suppresses a petition; who willfully neglects to file or delays delivery of a petition; who conceals or removes a petition from the possession of the person authorized by law to have custody of it; or who aids, counsels, procures, or assists any person in doing any of the above acts commits a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

CREDIT(S)

Added by Laws 1995, H.B.95-1241, § 84, eff. July 1, 1995. Amended by Laws 1996, H.B.96-1061, § 49, eff. July 1, 1996.

## HISTORICAL AND STATUTORY NOTES

2000 Main Volume

The 1996 amendment substituted "suppresses a petition; who willfully neglects to file or delays delivery of a petition; who conceals or removes a petition from" for "suppresses a petition for nomination or for recall; who willfully neglects to file or willfully delays the petition or petition section; who conceals or removes a petition or petition section from".

C. R. S. A. § 1-13-403, CO ST § 1-13-403

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C.R.S.A. § 1-13-601

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General, Primary, and Congressional Vacancy Elections

Article 13. Election Offenses (Refs & Annos)

Part 6. Offenses--Notice and Preparation for Elections (Refs & Annos)

**→ § 1-13-601. Tampering with notices or supplies**

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 his ballot is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1.

LIBRARY REFERENCES

2000 Main Volume

Elections 317, 332.

Westlaw Topic No. 144.

C.J.S. Elections §§ 329, 353.

C. R. S. A. § 1-13-601, CO ST § 1-13-601

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C.R.S.A. § 1-13-701

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 ¶ Article 13. Election Offenses (Refs & Annos)  
 ¶ Part 7. Offenses--Conduct of Elections (Refs & Annos)

**→ § 1-13-701. Interference with election official**

Any person who, at any election provided by law, interferes in any manner with any election official in the discharge of his duty or who induces any election official to violate or refuse to comply with his duty or any law regulating the same is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1.

LIBRARY REFERENCES

2000 Main Volume

Elections ⇐ 319, 332.  
 Westlaw Topic No. 144.  
 C.J.S. Elections §§ 330, 353.

C. R. S. A. § 1-13-701, CO ST § 1-13-701

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C.R.S.A. § 1-13-702

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 ▣ Article 13. Election Offenses (Refs & Annos)  
 ▣ Part 7. Offenses--Conduct of Elections (Refs & Annos)

**→ § 1-13-702. Interfering with watcher**

Any person who intentionally interferes with any watcher while he is discharging his duties set forth in section 1-7-108(3) is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1. Amended by Laws 2003, Ch. 315, § 1, eff. May 22, 2003.

HISTORICAL AND STATUTORY NOTES

2006 Electronic Pocket Part Update

Laws 2003, Ch. 315, § 1 substituted "1-7-108(3)" for "1-7-202(3)".

LIBRARY REFERENCES

2000 Main Volume

Elections ↻319, 332.  
 Westlaw Topic No. 144.  
 C.J.S. Elections §§ 330, 353.

C. R. S. A. § 1-13-702, CO ST § 1-13-702

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C.R.S.A. § 1-13-703

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 ▣ Article 13. Election Offenses (Refs & Annos)  
 ▣ Part 7. Offenses--Conduct of Elections (Refs & Annos)

**→ § 1-13-703. Tampering with registration book, registration list, or pollbook**

Any person who mutilates or erases any name, figure, or word in any registration book, registration list, or pollbook; or who removes such registration book, 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 book, registration list, or pollbook or part thereof is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1.

LIBRARY REFERENCES

2000 Main Volume

Elections ↪ 317, 332.  
 Westlaw Topic No. 144.  
 C.J.S. Elections §§ 329, 353.

C. R. S. A. § 1-13-703, CO ST § 1-13-703

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C.R.S.A. § 1-13-704

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General, Primary, and Congressional Vacancy Elections

▣ Article 13. Election Offenses (Refs & Annos)

▣ Part 7. Offenses--Conduct of Elections (Refs & Annos)

**→§ 1-13-704. Unlawfully refusing ballot or permitting to vote**

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 prescribed by section 1-9-204 or knowingly and willfully permits any person to vote who is not entitled to vote at such election, such judge is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1.

LIBRARY REFERENCES

2000 Main Volume

Elections ↔314, 332.

Westlaw Topic No. 144.

C.J.S. Elections §§ 327, 353.

C. R. S. A. § 1-13-704, CO ST § 1-13-704

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C.R.S.A. § 1-13-704.5

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 Article 13. Election Offenses (Refs & Annos)  
 Part 7. Offenses--Conduct of Elections (Refs & Annos)

**→§ 1-13-704.5. Voting by persons not entitled to vote--penalty**

(1) Any person voting in any election provided by law knowing that he or she is not entitled to vote in such election commits a class 5 felony and shall be punished as provided in section 18-1.3-401, C.R.S.

(2) This section shall be enforced without regard to race, religion, gender, ethnicity, or national origin.

CREDIT(S)

Added by Laws 2006, 1 Ex. Sess., Ch. 6, § 1, eff. July 31, 2006.

**HISTORICAL AND STATUTORY NOTES**

**2006 Electronic Pocket Part Update**

Laws 2006, 1st Ex.Sess., Ch. 6, § 4, provides:

"Applicability. This act shall apply to offenses committed on or after the effective date of this act."

C. R. S. A. § 1-13-704.5, CO ST § 1-13-704.5

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▣ Part 7. Offenses--Conduct of Elections (Refs &amp; Annos)

**→§ 1-13-705. Personating elector**

Any person who falsely personates any elector and votes at any election provided by law under the name of such elector shall be punished by a fine of not more than five thousand dollars or by imprisonment in the county jail for not more than eighteen months, or by both such fine and imprisonment.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1. Amended by Laws 1995, H.B.95-1241, § 85, eff. July 1, 1995.

## HISTORICAL AND STATUTORY NOTES

2000 Main Volume

The 1995 amendment substituted "shall be punished by a fine of not more than five thousand dollars or by imprisonment in the county jail for not more than eighteen months, or by both such fine and imprisonment" for "is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111".

## LIBRARY REFERENCES

2000 Main Volume

Elections ↪318, 332.

Westlaw Topic No. 144.

C.J.S. Elections §§ 331, 353.

C. R. S. A. § 1-13-705, CO ST § 1-13-705

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C.R.S.A. § 1-13-706

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 ¶ Article 13. Election Offenses (Refs & Annos)  
 ¶ Part 7. Offenses--Conduct of Elections (Refs & Annos)

**→ § 1-13-706. Delivering and receiving ballots at polls**

- (1) No voter shall receive an official ballot from any person except one of the judges of election having charge of the ballots, nor shall any person other than such judge deliver an official ballot to such voter.
- (2) No person except a judge of election shall receive from any voter a ballot prepared for voting.
- (3) Any voter who does not vote the ballot received by him shall return his ballot to the judge from whom he received the same before leaving the polling place.
- (4) Each violation of the provisions of this section is a misdemeanor, and, upon conviction thereof, the offender shall be punished as provided in section 1-13-111.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1.

LIBRARY REFERENCES

2000 Main Volume

Elections ↪ 317, 332.  
 Westlaw Topic No. 144.  
 C.J.S. Elections §§ 329, 353.

C. R. S. A. § 1-13-706, CO ST § 1-13-706

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C.R.S.A. § 1-13-707

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        Part 7. Offenses--Conduct of Elections (Refs & Annos)

**→ § 1-13-707. Inducing defective ballot**

Any person who causes any deceit to be practiced with intent to fraudulently induce a voter to deposit a defective ballot so as to have the ballot thrown out and not counted is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1.

LIBRARY REFERENCES

2000 Main Volume

Elections ↪ 318, 332.  
Westlaw Topic No. 144.  
C.J.S. Elections §§ 331, 353.

C. R. S. A. § 1-13-707, CO ST § 1-13-707

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C.R.S.A. § 1-13-708

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 ▣ Article 13. Election Offenses (Refs & Annos)  
 ▣ Part 7. Offenses--Conduct of Elections (Refs & Annos)

**→ § 1-13-708. Tampering with voting equipment**

Any person who tampers with any electronic or electromechanical voting equipment before, during, or after any election provided by law with intent to change the tabulation of votes thereon to reflect other than an accurate accounting is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1. Amended by Laws 2004, Ch. 334, § 28, eff. May 28, 2004.

## HISTORICAL AND STATUTORY NOTES

## 2006 Electronic Pocket Part Update

Laws 2004, Ch. 334, § 28, substituted "any electronic or electromechanical" for "a voting machine or any electronic".

## LIBRARY REFERENCES

## 2000 Main Volume

Elections ↪ 317, 332.  
 Westlaw Topic No. 144.  
 C.J.S. Elections §§ 329, 353.

C. R. S. A. § 1-13-708, CO ST § 1-13-708

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C.R.S.A. § 1-13-708.5

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**→ § 1-13-708.5. Elected officials not to handle electronic or electromechanical voting equipment or devices**

Any person who violates any provision of section 1-5-607 is guilty of a misdemeanor and shall be punished as provided in section 1-13-111.

CREDIT(S)

Added by Laws 1996, H.B.96-1061, § 50, eff. July 1, 1996.

HISTORICAL AND STATUTORY NOTES

2006 Electronic Pocket Part Update

This section is reprinted to conform to the state edition.

2000 Main Volume

This section was derived from former § 1-5-607(4).

C. R. S. A. § 1-13-708.5, CO ST § 1-13-708.5

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C.R.S.A. § 1-13-709

**C**

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▣ Part 7. Offenses--Conduct of Elections (Refs &amp; Annos)

**→ § 1-13-709. Voting in wrong precinct**

Any person who, at any election provided by law, knowingly votes or offers to vote in any election precinct in which he or she is not qualified to vote shall be punished by a fine of not more than five thousand dollars or by imprisonment in the county jail for not more than eighteen months, or by both such fine and imprisonment.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1. Amended by Laws 1995, H.B.95-1241, § 86, eff. July 1, 1995.

## HISTORICAL AND STATUTORY NOTES

2000 Main Volume

The 1995 amendment inserted "or she", deleted "is guilty of a misdemeanor and, upon conviction thereof," following "qualified to vote", substituted "five thousand" for "two hundred" and "eighteen" for "three", and added ", or by both such fine and imprisonment".

## LIBRARY REFERENCES

2000 Main Volume

Elections ↻313, 332.  
Westlaw Topic No. 144.  
C.J.S. Elections §§ 325, 353.

## RESEARCH REFERENCES

2006 Electronic Pocket Part Update

**ALR Library**

5 ALR 6th 1, Validity, Construction, and Application of State Statutory Voting Offenses.

## NOTES OF DECISIONS

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C.R.S.A. § 1-13-709.5

**C**

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▣ Article 13. Election Offenses (Refs &amp; Annos)

▣ Part 7. Offenses--Conduct of Elections (Refs &amp; Annos)

→ § 1-13-709.5. Residence--false information--penalty

Any person who votes by knowingly giving false information regarding the elector's place of present residence commits a class 6 felony and shall be punished as provided in section 18-1.3-401, C.R.S.

CREDIT(S)

Added by Laws 1996, H.B.96-1061, § 51, eff. July 1, 1996. Amended by Laws 2002, Ch. 318, § 9, eff. Oct. 1, 2002.

HISTORICAL AND STATUTORY NOTES

2006 Electronic Pocket Part Update

Laws 2002, Ch. 318, § 2, amended and relocated Article 1.3 of Title 18, effective October 1, 2002, from provisions formerly located in Articles 7, 8, 9, 11, 11.5, 13, and 18.5 of Title 16, Articles 26, 27, 27.8, and 27.9 of Title 17, and Articles 1 and 4 of Title 18. Section 9 of that Act made conforming amendments to this section.

LIBRARY REFERENCES

2000 Main Volume

Elections ↔312.

Westlaw Topic No. 144.

C.J.S. Elections § 326.

C. R. S. A. § 1-13-709.5, CO ST § 1-13-709.5

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C.R.S.A. § 1-13-710

**C**

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**→ § 1-13-710. Voting twice—penalty**

Any voter who votes more than once or, having voted once, offers to vote again or offers to deposit in the ballot box more than one ballot shall be punished by a fine of not more than five thousand dollars or by imprisonment in the county jail for not more than eighteen months, or by both such fine and imprisonment.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1. Amended by Laws 1995, H.B.95-1241, § 87, eff. July 1, 1995.

## HISTORICAL AND STATUTORY NOTES

2000 Main Volume

The 1995 amendment substituted "Any voter who" for "If any voter" and "shall be punished by a fine of not more than five thousand dollars or by imprisonment in the county jail for not more than eighteen months, or by both such fine and imprisonment" for "he is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111".

## LIBRARY REFERENCES

2000 Main Volume

Elections ↪ 313, 332.

Westlaw Topic No. 144.

C.J.S. Elections §§ 325, 353.

C. R. S. A. § 1-13-710, CO ST § 1-13-710

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C.R.S.A. § 1-13-711

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→ § 1-13-711. Interference with voter while voting

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 is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1. Amended by Laws 2004, Ch. 334, § 29, eff. May 28, 2004.

HISTORICAL AND STATUTORY NOTES

2006 Electronic Pocket Part Update

Laws 2004, Ch. 334, § 29, substituted "device or electronic voting device" for "machine".

LIBRARY REFERENCES

2000 Main Volume

- Elections ↪ 319, 332.
- Westlaw Topic No. 144.
- C.J.S. Elections §§ 330, 353.

C. R. S. A. § 1-13-711, CO ST § 1-13-711

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C.R.S.A. § 1-13-712

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 ▣ Part 7. Offenses--Conduct of Elections (Refs & Annos)

**→§ 1-13-712. Disclosing or identifying vote**

- (1) Except as provided in section 1-7-108, no voter shall show his ballot after it is prepared for voting to any person in such a way as to reveal its contents. No voter shall place any mark upon his ballot by means of which it can be identified as the one voted by him, and no other mark shall be placed on the ballot by any person to identify it after it has been prepared for voting.
- (2) No person shall endeavor to induce any voter to show how he marked his ballot.
- (3) No election official, 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.
- (4) Any person who violates any provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1.

## LIBRARY REFERENCES

2000 Main Volume

Elections ↻317, 332.  
 Westlaw Topic No. 144.

C.J.S. Elections §§ 329, 353.

C. R. S. A. § 1-13-712, CO ST § 1-13-712

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C.R.S.A. § 1-13-713

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 ▣ Article 13. Election Offenses (Refs & Annos)  
 ▣ Part 7. Offenses--Conduct of Elections (Refs & Annos)

**→§ 1-13-713. Intimidation**

It is unlawful for any person directly or indirectly, by himself or by any other person in 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 at any election provided by law or to give or refrain from giving his vote for any particular person or measure at any such election. Each such offense is a misdemeanor, and, upon conviction thereof, the offender shall be punished as provided in section 1-13-111.

CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1.

LIBRARY REFERENCES

2000 Main Volume

Elections ↪ 319, 320, 332.  
 Westlaw Topic No. 144.  
 C.J.S. Elections §§ 330, 333, 353.

UNITED STATES SUPREME COURT

First Amendment, election day prohibition on solicitation of votes, displays, or distribution of campaign materials near polling place, see *Burson v. Freeman*, 1992, 112 S.Ct. 1846, 504 U.S. 191, 119 L.Ed.2d 5.

C. R. S. A. § 1-13-713, CO ST § 1-13-713

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C.R.S.A. § 1-13-714

**C**

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**→§ 1-13-714. Electioneering--removing and return of ballot**

No person shall do any electioneering on the day of any election within any polling place or in any public street or room or in any public manner within one hundred feet of any building in which a polling place is located, as publicly posted by the designated election official. As used in this section, the term "electioneering" includes campaigning for or against any candidate who is on the ballot or any ballot issue or ballot question that is on the ballot. "Electioneering" also includes soliciting signatures for a candidate petition, a recall petition, or a petition to place a ballot issue or ballot question on a subsequent ballot. "Electioneering" shall not include a respectful display of the American flag. No person shall remove any official ballot from the polling place before the closing of the polls. Any person who violates any provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

## CREDIT(S)

Repealed and reenacted by Laws 1980, S.B.1, § 1. Amended by Laws 1994, H.B.94-1286, § 72, eff. July 1, 1994; Laws 1995, H.B.95-1241, § 88, eff. July 1, 1995; Laws 2006, Ch. 356, § 23, eff. June 6, 2006.

## HISTORICAL AND STATUTORY NOTES

## 2006 Electronic Pocket Part Update

Laws 2006, Ch. 356, § 23, inserted "'Electioneering' shall not include a respectful display of the American flag".

## 2000 Main Volume

The 1994 amendment, in the first sentence, substituted "designated election official" for "county clerk and recorder"; and inserted the second and third sentences.

The 1995 amendment, in the first sentence, inserted "building in which a" and "is located", and in the second sentence, substituted "that" for "which".

## CROSS REFERENCES

Polling places, multi-use buildings, see § 1-5-105.

Posting of signs at polling places, see § 1-5-504.5.

## LIBRARY REFERENCES

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