

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 12-0267.01 Bob Lackner x4350

HOUSE BILL 12-1169

HOUSE SPONSORSHIP

Gardner B. and Duran,

SENATE SPONSORSHIP

Brophy and Morse,

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A CLARIFICATION OF THE CIRCUMSTANCES UNDER**
102 **WHICH VOTING TO ELECT LEADERSHIP OF A PUBLIC BODY MAY**
103 **BE HELD BY SECRET BALLOT IN ACCORDANCE WITH THE STATE**
104 **OPEN MEETINGS LAW.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill prohibits a state or local public body from adopting any proposed policy, position, resolution, rule, or regulation or from taking

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

formal action by secret ballot unless otherwise authorized in accordance with the provisions of the state open meetings law. The bill permits a state or local public body to elect the leadership of that same public body by secret ballot but requires the outcome of the vote to be recorded contemporaneously in the minutes of the body. The bill is not to be construed to affect the existing powers of a school board to use a secret ballot.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-6-402, **add** (2) (d)
3 (IV) as follows:

4 **24-6-402. Meetings - open to public - definitions.**

5 (2) (d) (IV) NEITHER A STATE NOR A LOCAL PUBLIC BODY MAY ADOPT
6 ANY PROPOSED POLICY, POSITION, RESOLUTION, RULE, OR REGULATION OR
7 TAKE FORMAL ACTION BY SECRET BALLOT UNLESS OTHERWISE
8 AUTHORIZED IN ACCORDANCE WITH THE PROVISIONS OF THIS
9 SUBPARAGRAPH (IV). NOTWITHSTANDING ANY OTHER PROVISION OF THIS
10 SECTION, A VOTE TO ELECT LEADERSHIP OF A STATE OR LOCAL PUBLIC
11 BODY BY THAT SAME PUBLIC BODY MAY BE TAKEN BY SECRET BALLOT,
12 BUT THE OUTCOME OF THE VOTE SHALL BE RECORDED
13 CONTEMPORANEOUSLY IN THE MINUTES OF THE BODY IN ACCORDANCE
14 WITH THE REQUIREMENTS OF THIS SECTION. NOTHING IN THIS
15 SUBPARAGRAPH (IV) SHALL BE CONSTRUED TO AFFECT THE AUTHORITY OF
16 A BOARD OF EDUCATION TO USE A SECRET BALLOT IN ACCORDANCE WITH
17 THE REQUIREMENTS OF SECTION 22-32-108 (6), C.R.S. FOR PURPOSES OF
18 THIS SUBPARAGRAPH (IV), "SECRET BALLOT" MEANS A VOTE CAST IN SUCH
19 A WAY THAT THE IDENTITY OF THE PERSON VOTING OR THE POSITION
20 TAKEN IN SUCH VOTE IS WITHHELD FROM THE PUBLIC.

21 **SECTION 2. Safety clause.** The general assembly hereby finds,

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