



**SECRETARY OF STATE GUIDANCE**

August 28, 2024

**Re: SB24-131 - Prohibiting Carrying A Firearm in Sensitive Spaces**

In the most recent legislative session, the General Assembly passed and the Governor signed SB24-131, known as “Prohibiting Carrying A Firearm in Sensitive Spaces.” The Act makes several changes to Colorado law regarding carrying firearms in certain public spaces, including near election facilities and in government buildings.

CDOS is issuing this guidance to ensure that every county election office is aware of the new law and the impact on the administration of elections.

**Prohibitions on Concealed Carry in or Near Election Facilities**

Since 2022, Colorado law has prohibited anyone from openly carrying a firearm within 100 feet of certain election-related facilities. *See* C.R.S. § 1-13-724. The new Act amends that prior law so that carrying a concealed firearm in those same places is now also prohibited. In other words, all firearms, whether openly carried or concealed, are prohibited within 100 feet of election-related facilities.

The law prohibits any firearms at the following locations:

- Within 100 feet of any drop box while voting is ongoing;
- Inside a polling location or within 100 feet of any building which contains a polling location while voting is ongoing; and,
- Inside a central count facility or within 100 feet of any building which contains a central count facility while any ongoing election administration activity is occurring for an active election.

This prohibition does not apply to the following persons:

- Individuals who own private property within a 100-foot zone while travelling directly between their property and a place outside the zone;
- Building or facility uniformed security acting in the scope of contractual authority; and,
- Security personnel for constitutional officers while engaged in their official duties.

There is no ability for local governmental bodies to opt out of these requirements.

Designated election officials are responsible for putting appropriate signage advising of the 100-foot buffer zone for the facilities under their jurisdiction. The Secretary of State's approved 100' Limit signs – available on the [Polling and drop-box location signs](#) page of Clerks Corner - have been updated to reflect SB24-131's changes to prior law.

Violations of the statute are misdemeanor offenses. For the first conviction, the maximum penalty is a \$250 fine and up to 120 days in a county jail. For any subsequent conviction, the maximum penalty is a \$1,000 fine and up to 364 days in a county jail.

### **Note on Carrying Firearms in Government Buildings**

A separate portion of the new Act (at C.R.S. § 18-12-105.3) restricts the carrying of firearms in certain government buildings. However, this portion of the measure does not directly apply to election spaces and cannot reduce or cancel the 100-foot restriction in C.R.S. § 1-13-124.

Covered buildings under C.R.S. § 18-12-105.3 include places where local governing bodies convene or have their offices and courthouses.

If a VSPC, drop-box, or central count facility is located on the grounds of a covered building, then additional firearms restrictions may apply beyond the 100-foot prohibition, but these additional restrictions are not required to be on election signage.

Unlike the restrictions on carrying firearms near election spaces, the new Act permits local governments to opt out of the restrictions for covered buildings in C.R.S. § 18-12-105.3. However, even if a local governing body chooses to exempt a particular building from the Act, the election restrictions remain intact.

This may cause confusion in areas where a local body has chosen to exempt its government buildings. Remember: No matter what a local body elects to do under the Act, there must always be a minimum of a 100-foot no firearm zone around every VSPC, drop box, and central count facility while elections are ongoing.

As always, the county support team or the legal team with the Elections Division can assist with answers to additional questions.



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Deputy Secretary of State