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# Temporary restraining order sought banning enforcement of Colorado law restricting ballot selfies

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PUBLISHED: October 31, 2016 at 8:56 am | UPDATED: October 31, 2016 at 9:06 am

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Federal Judge Christine Arguello will hear arguments Wednesday in Denver both for and against a Colorado law originally passed in 1891 that bans people 125 years later from publishing their ballot choices through cellular phone selfies.

Caryn Ann Harlos, the spokeswoman for the Libertarian Party of Colorado, said Monday that the “outdated law” violates citizens’ rights of free speech. She and others are seeking a preliminary injunction preventing authorities from enforcing the law.

“Ultimately we’re hoping that the law be struck down as unconstitutional,” Harlos said Monday. “Colorado has imposed abysmal restrictions upon our rights to free political speech.”

But Suzanne Staiert, deputy secretary of state, recently [said in a statement](#) that the law protects voters from undo voter coercion.

“We believe the current law protects the integrity of the election and protects voters from intimidation or inducement,” Staiert said in a recent public statement. “In fact, given Colorado’s unique election system and rise of social networking, the prohibition may be more important in Colorado than in other states and may be more timely today than ever.”

The Colorado Libertarian party has invited people to go to the Alfred A. Arraj U.S. District Courthouse with their marked ballots concealed in envelopes for a “demonstration of support.” If Arguello issues the restraining order preventing law enforcement from enforcing the law protesters will do a “group ballot selfie picture,” Harlos said.

While Harlos points out that “it may be claimed” that no has ever been prosecuted under the law, all laws are ultimately a threat of state force.

“It is the metaphorical lifting of one’s shirt to show there is a gun in the waistband, which gun can always be turned against those engaging in unpopular political speech at any time the government chooses,” Harlos said in a news release.

The firestorm over the so-called ballot selfies started Oct. 20 after [Denver District Attorney Mitch Morrissey](#) issued a news release to remind people that it is illegal to show someone else a completed ballot, including selfies and other pictures posted on social media.

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TAGS: **BALLOT SELFIES, ELECTION 2016, MITCH MORRISSEY**

Kirk Mitchell of The Denver Post.

### Kirk Mitchell

Kirk Mitchell is a general assignment reporter at The Denver Post who focuses on criminal justice stories. He began working at the newspaper in 1998, after writing for newspapers in Mesa, Ariz., and Twin Falls, Idaho, and The Associated Press in Salt Lake City. Mitchell first started writing the Gold Case blog in Fall 2007, in part because Colorado has more than 1,400 unsolved homicides.

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