

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 25-1225

BY REPRESENTATIVE(S) Woodrow and Velasco, Bacon, Boesenecker, Brown, Camacho, Carter, Froelich, Garcia, Gilchrist, Hamrick, Jackson, Joseph, Lindsay, Mabrey, McCormick, Paschal, Rutinel, Sirota, Smith, Stewart R., Valdez, Zokaie, English, Story, Titone, McCluskie; also SENATOR(S) Hinrichsen and Daugherty, Cutter, Danielson, Exum, Jodeh, Kipp, Marchman, Michaelson Jenet, Wallace, Weissman, Winter F., Coleman.

CONCERNING THE CREATION OF THE "FREEDOM FROM INTIMIDATION IN ELECTIONS ACT" TO PROHIBIT AN INDIVIDUAL FROM INTIMIDATING, THREATENING, OR COERCING ANY INDIVIDUAL FOR ENGAGING IN CERTAIN ELECTION-RELATED ACTIVITIES.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) The United States, including Colorado, has a history of intimidation in elections. Often, election intimidation has been targeted at voters of color, prompting federal legislation as far back as the federal "Enforcement Acts" of 1870 and 1871, through the enactment of section

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

11(b) of the federal "Voting Rights Act of 1965", 52 U.S.C. sec. 10101 et seq.

(b) Colorado has also been the site of election-related intimidation in recent history. For example:

(I) In 2020, the Colorado attorney general sent a cease and desist letter to a mobile home park owner who had engaged in voter intimidation;

(II) In 2022, dozens of individuals shouted at election workers inside the El Paso county clerk and recorder's office and recorded them while they were conducting a recount of votes in a nominating contest for the 2022 midterms. A group in the building prayed for "evil to descend" on the "election team".

(III) Since 2023 alone, the Colorado secretary of state says she has received over 1,000 threats of violence or death; and

(IV) In 2024, a Cortez resident pleaded guilty to making numerous violent threats and statements against Colorado election officials.

(c) Since 2020, approximately 40% of local election officials in Colorado have left their positions. Colorado's rate of election official departure was higher than the national average in 2024, which had also dramatically increased over the past 4 years. During the 2024 election, at least one top election official had left in 25 of Colorado's 64 counties. In other words, 39% of the officials in charge of the 2024 presidential election were new to the job. The state has seen a net loss of 126 years of election experience.

(2) The general assembly further finds and declares that:

(a) The "Freedom From Intimidation In Elections Act" is intended to supplement existing anti-intimidation law under section 11(b) of the federal "Voting Rights Act of 1965", 52 U.S.C. sec. 10101 et seq., by, among other things, providing specific, explicit protections for election workers and acknowledging that in this era of increased firearm violence and election denialism, the presence of firearms in proximity to elections is presumptively intimidating. The "Freedom From Intimidation In Elections Act" should not be construed, however, to suggest that other

anti-intimidation laws do not protect election workers or protect against the use of firearms to intimidate voters and election workers.

(b) Colorado law already criminalizes the intimidation of voters and election officials in the election process. Colorado law also prohibits any person from carrying a firearm inside or near locations used for voting and counting ballots. The "Freedom From Intimidation In Elections Act" is not intended to, and should not be read to, limit or replace those prohibitions. Instead, the "Freedom From Intimidation In Elections Act" is a supplement to those existing protections.

(c) Because election administration and voting take place in a number of locations including, but not limited to, polling places, elections and other government offices, ballot drop boxes, and people's homes, the term "voting", as defined by the "Freedom From Intimidation In Elections Act", is intended to be read expansively to include all forms and methods of voting permitted under federal and state law; and

(d) The general assembly has compelling interests in protecting both public safety and individual rights, including the fundamental right to vote. It is the general assembly's intent and purpose in enacting the "Freedom From Intimidation In Elections Act" to help preserve the right to vote by securing the safety and freedom of our elections and allowing voters, election workers, and other officials who conduct our elections to play their roles free from intimidation.

SECTION 2. In Colorado Revised Statutes, **add** 1-13-726 as follows:

1-13-726. Intimidation of voters or election officials - civil enforcement - short title - definitions. (1) **Short title.** THE SHORT TITLE OF THIS SECTION IS THE "FREEDOM FROM INTIMIDATION IN ELECTIONS ACT".

(2) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "FIREARM" HAS THE SAME MEANING AS SET FORTH IN SECTION 18-1-901 (3)(h).

(b) "IMITATION FIREARM" MEANS AN OBJECT OR DEVICE

REASONABLY CAPABLE OF BEING MISTAKEN FOR A FIREARM OR FOR A WEAPON THAT USES COMPRESSED AIR OR ANOTHER GAS TO FIRE A PROJECTILE.

(c) "VOTING" INCLUDES ALL ACTIONS NECESSARY TO MAKE A VOTE EFFECTIVE IN ANY PRIMARY, SPECIAL, ODD-YEAR, OR GENERAL ELECTION, INCLUDING, BUT NOT LIMITED TO, REGISTRATION OR OTHER ACTIONS REQUIRED BY LAW AS A PREREQUISITE TO VOTING, CASTING A BALLOT BY ANY METHOD PERMITTED BY LAW, AND HAVING A BALLOT COUNTED PROPERLY AND INCLUDED IN THE APPROPRIATE TOTALS OF VOTES CAST WITH RESPECT TO CANDIDATES FOR PUBLIC OR PARTY OFFICE AND BALLOT ISSUES AND BALLOT QUESTIONS FOR WHICH VOTES ARE RECEIVED IN AN ELECTION.

(3) Election-related intimidation prohibited. AN INDIVIDUAL, WHETHER ACTING UNDER COLOR OF LAW OR OTHERWISE, SHALL NOT INTIMIDATE, THREATEN, OR COERCE OR ATTEMPT TO INTIMIDATE, THREATEN, OR COERCE ANY INDIVIDUAL FOR ANY OF THE FOLLOWING:

(a) VOTING OR ATTEMPTING TO VOTE;

(b) URGING OR AIDING ANY INDIVIDUAL TO VOTE OR ATTEMPT TO VOTE, WHETHER AS PART OF OFFICIAL ELECTION ADMINISTRATION ACTIVITY OR OTHERWISE;

(c) EXERCISING ANY POWERS OR DUTIES TO ADMINISTER ELECTIONS, INCLUDING VOTE COUNTING, CANVASSING, AND ELECTION CERTIFICATION PURSUANT TO THE "UNIFORM ELECTION CODE OF 1992"; OR

(d) THE INDIVIDUAL'S STATUS AS A PAST OR PRESENT PARTICIPANT IN THE ADMINISTRATION OF ELECTIONS.

(4) Presumption of engaging in election-related intimidation.

(a) AN INDIVIDUAL WHO CARRIES A VISIBLE FIREARM, IMITATION FIREARM, OR TOY FIREARM WHILE INTERACTING WITH OR OBSERVING ANY OF THE ACTIVITIES DESCRIBED IN SUBSECTION (3) OF THIS SECTION IS PRESUMED, IN THE ABSENCE OF ANY AFFIRMATIVE SHOWING TO THE CONTRARY BY A PREPONDERANCE OF THE EVIDENCE, TO HAVE ENGAGED IN INTIMIDATION PROHIBITED BY THIS SECTION.

(b) THE PRESUMPTION SPECIFIED IN SUBSECTION (4)(a) OF THIS

SECTION DOES NOT APPLY TO A LAW ENFORCEMENT OFFICER ACTING WITHIN THE SCOPE OF THE OFFICER'S OFFICIAL DUTIES OR TO A UNIFORMED SECURITY GUARD EMPLOYED BY A CONTRACT SECURITY AGENCY AS DEFINED IN SECTION 24-33.5-415.4, ACTING WITHIN THE SCOPE OF THE AUTHORITY GRANTED BY AND IN THE PERFORMANCE OF A CONTRACTUAL AGREEMENT FOR THE PROVISION OF SECURITY SERVICES WITH A PERSON OR ENTITY THAT OWNS OR CONTROLS THE FACILITY, BUILDING, OR LOCATION SUBJECT TO THIS SECTION. ACCORDINGLY, A PLAINTIFF MUST ALLEGE MORE THAN SUCH A LAW ENFORCEMENT OFFICER'S OR UNIFORMED SECURITY GUARD'S POSSESSION OF A HOLSTERED FIREARM TO STATE A CLAIM UNDER THIS SECTION; EXCEPT THAT A COURT MAY CONSIDER A LAW ENFORCEMENT OFFICER'S OR UNIFORMED SECURITY GUARD'S POSSESSION OF A FIREARM IN DETERMINING WHETHER THE LAW ENFORCEMENT OFFICER OR UNIFORMED SECURITY GUARD VIOLATED SUBSECTION (3) OF THIS SECTION.

(5) Right to enforce. (a) ANY AGGRIEVED INDIVIDUAL HAS THE RIGHT TO ENFORCE SUBSECTION (3) OF THIS SECTION IN A SUIT AT LAW OR IN EQUITY, OR BOTH. A PREVAILING PLAINTIFF IN ANY SUCH ACTION IS ENTITLED TO THE RECOVERY OF REASONABLE ATTORNEY'S FEES, REASONABLE EXPERT FEES, REASONABLE LITIGATION EXPENSES, AND ANY OTHER FEES OR COSTS THAT ARE DEEMED APPROPRIATE BY A COURT OF COMPETENT JURISDICTION.

(b) AN ELECTION OFFICIAL, DESIGNATED ELECTION OFFICIAL, OR THE SECRETARY OF STATE HAS THE RIGHT TO ENFORCE THE PROVISIONS OF SUBSECTION (3) OF THIS SECTION AND MAY INSTITUTE AN ACTION FOR EQUITABLE RELIEF ON BEHALF OF AN AGGRIEVED INDIVIDUAL WHO IS IN THE ELECTION OFFICIAL'S, DESIGNATED ELECTION OFFICIAL'S, OR SECRETARY OF STATE'S JURISDICTION OR IS ELIGIBLE TO VOTE IN SUCH JURISDICTION.

(c) THE ATTORNEY GENERAL HAS THE RIGHT TO ENFORCE SUBSECTION (3) OF THIS SECTION AND MAY INSTITUTE FOR THE STATE, OR IN THE NAME OF THE STATE, AN ACTION FOR EQUITABLE RELIEF, INCLUDING AN APPLICATION FOR A TEMPORARY OR PERMANENT INJUNCTION, RESTRAINING ORDER, OR OTHER ORDER.

(d) A SUIT BROUGHT BY AN ELECTION OFFICIAL, DESIGNATED ELECTION OFFICIAL, OR THE SECRETARY OF STATE PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION OR BY THE ATTORNEY GENERAL PURSUANT TO SUBSECTION (5)(c) OF THIS SECTION TO ENFORCE SUBSECTION (3) OF THIS

SECTION DOES NOT PRECLUDE A CONTEMPORANEOUS PRIVATE SUIT BY AN AGGRIEVED INDIVIDUAL TO ENFORCE SUBSECTION (3) OF THIS SECTION.

(6) **Relief.** (a) IN A SUIT TO ENFORCE THE PROVISIONS OF SUBSECTION (3) OF THIS SECTION, A COURT MAY GRANT RELIEF ENJOINING A DEFENDANT FROM THE USE OR CARRYING OF FIREARMS BEYOND THE AREAS DESCRIBED IN SECTION 1-13-724 OR 18-12-105.3. THIS SECTION DOES NOT LIMIT THE COURT'S AUTHORITY TO GRANT ANY OTHER JUST AND EQUITABLE RELIEF.

(b) TO PREVAIL IN A SUIT TO ENFORCE SUBSECTION (3) OF THIS SECTION, A PLAINTIFF IS NOT REQUIRED TO PROVE THAT A DEFENDANT INTENDED TO INTIMIDATE, THREATEN, OR COERCE ANY INDIVIDUAL, EXCEPT TO PROVE AN ATTEMPT TO INTIMIDATE, THREATEN, OR COERCE. A COURT MAY NONETHELESS CONSIDER EVIDENCE OF INTENT IN DETERMINING THE APPROPRIATE RELIEF.

(7) **Exceptions.** THIS SECTION DOES NOT APPLY TO AN ENFORCEMENT ACTION TAKEN PURSUANT TO SECTION 1-1-107 OR 1-1.5-104, OR TO AN ENFORCEMENT ACTION TAKEN BY A DESIGNATED ELECTION OFFICIAL AGAINST AN ELECTION JUDGE FOR A VIOLATION OF A STATUTE, A RULE PROMULGATED BY THE SECRETARY OF STATE, OR THE ELECTION JUDGE'S OATH.

SECTION 3. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for

the support and maintenance of the departments of the state and state institutions.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO