

Testimony of Nicole Hunt
HB20-1033 Live and Let Live Act
House State, Veterans, and Military Affairs Committee
February 13, 2020

Thank you, Chairman and Distinguished Members of the House State, Veterans, and Military Affairs Committee. My name is Nicole Hunt. I am an attorney with Telios Law, a Colorado resident, and a woman of faith.

I'm here today in support of House Bill 20-1033, the Live and Let Live Act, which protects religious freedom.

Religious freedom is one of the most critical issues of our day. This country's Founding Fathers believed religious freedom was a first freedom; that's why it's protected in the First Amendment to the U.S. Constitution. The Framers recognized that all people are endowed by their Creator – not the government – with rights rooted in our shared humanity. That means our right to religious freedom is not a privilege bestowed upon us by a benevolent government. Instead, the freedom of religion is inherent to our status as human beings made in the image of God, and no government has the right to restrict the intrinsic rights of the people.

Special interest groups want to convince people of faith that their freedom of religion is limited to the privacy of their homes or the walls of their churches. That is just not so. The First Amendment protects the freedom to practice one's faith in the public square and in the marketplace.

The First Amendment is a freedom for religion, not from religion.

Here in Colorado, we have seen an assault on the freedom of religion.

In 2012, the Colorado Civil Rights Commission wielded its power to attack Jack Phillips, the Christian baker in Lakewood because they did not approve of his belief that marriage is the union of one man and one woman. In 2018, the Supreme Court rebuffed the Commission and ruled in Jack's favor. That was a good day for the First Amendment!

This Act prohibits the state, its agencies, and private individuals from taking action against people like Jack Phillips for acting on their religious beliefs and moral convictions regarding sexual orientation and gender identity.

This Act protects people of faith and religious organizations.

This Act reinforces this state's commitment to religious freedom. Article II, section 4 of the Colorado Constitution provides, "The free exercise and enjoyment of religious profession and worship, without discrimination, shall forever hereafter be guaranteed." The Act reinforces this promise, as well as to the U.S. Constitution's First Amendment's promise of religious freedom.

This Act also enhances the government's accountability by permitting an organization or individual to file a claim against the

state for violating the free exercise of its sincerely held religious belief or moral conviction.

The Act does not predetermine the outcome of any case. The Act will not give people of faith a “trump card” in court. This point is important and often misunderstood. Instead, the claim will be reviewed using a *sensible balancing* test – the compelling interest test. This is the same test approved unanimously by the Supreme Court for the federal Religious Freedom Restoration Act (RFRA). At the federal level, the government continues to win its fair share of RFRA cases, and we can expect the same to be true here in Colorado under this law.

Protecting religious freedom is absolutely essential in a pluralistic society. Tolerance must be mutual.

Religious freedom and the right to conscience are fundamental American values.

This Act will rightly protect religious freedom from further government interference and promote tolerance for different religious beliefs and convictions.

For these reasons, I am asking that you vote YES on House Bill 20-1033, the Live and Let Live Act.

Thank you.