

## **HB25-1225: Freedom From Intimidation in Elections Act**

Sponsors: Representative Steven Woodrow, Representative Elizabeth Velasco

---

**Summary:** The Freedom From Intimidation in Elections Act (HB25-1225) will enhance existing protections of voters and election workers and officials by:

- Making a person who threatens, intimidates, or coerces a voter or election worker/official civilly liable to the victim for money damages. The victim may also request a restraining order.
- Allowing election workers/officials to sue people who intimidate or threaten them even when they are not engaged in their official duties if the person intimidated or threatened them because of their status as an election worker/official.
- Allowing election workers/officials to sue people who intimidate or threaten them even if they are no longer an election worker/official if the person intimidated or threatened them because they were an election worker/official in the past.
- Making it easier for a voter or election worker/official who sues a person who intimidated or threatened them by creating a presumption of intimidation if the person was carrying a visible firearm at the time of the incident. The defendant can rebut the presumption.
- Allowing the Attorney General, Secretary of State, and election officials to protect their constituents from intimidation or threats by obtaining an injunction against a group or individual who commits, or threatens to commit, such acts.

### **Background and Problem: A rise in election-related intimidation in Colorado.**

American democracy has come under new and unnerving pressure from the emergence of an election denial movement, rooted in disinformation and false narratives about voter fraud. This movement has not only undermined the credibility of election processes, but has also resulted in real threats and acts of political violence targeted at voters, election officials, and election workers.

For example, in 2020, the Colorado Attorney General had to send a cease and desist letter to a mobile park owner to stop intimidating voters. In 2022, poll watchers yelled at and recorded election workers inside the El Paso County Clerk's office while others prayed in a hallway for "evil to descend" on them. Since 2023 alone, the Colorado Secretary of State says she has received over 1,000 threats of violence or death. And in 2024, a Cortez resident pleaded guilty to making numerous violent threats and statements against Colorado election officials.

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.

**Solution: Civil remedies to enhance existing deterrents to unlawful election intimidation.**

HB25-1225 would allow voters and election workers/officials, including past election workers/officials, to pursue money damages and injunctive relief if they experience election-related intimidation or threats. Importantly, the bill would allow past election workers/officials to pursue civil remedies, as well as current election workers/officials even when they are not performing their official duties. Colorado also has strong criminal laws prohibiting voter and election worker/official intimidation. However, it lacks important civil protections for victims of election-related intimidation and threats.

HB25-1225 creates only a civil cause of action and no criminal penalties. Money damages can be even more powerful in deterring someone from acting unlawfully than the threat of a misdemeanor charge. Furthermore, because civil laws have a lower burden of proof, a person who intimidates or threatens a voter or election worker/official may be more likely to be penalized under a civil law than a criminal law. In turn, the voter or election worker/official is more likely to obtain compensation or other relief from intimidating or threatening behavior.

Finally, HB25-1225 acknowledges that the presence of a visible firearm when someone is voting or administering elections is intimidating. This reflects the Legislature's rationale in prohibiting guns around elections in 2022 and 2024. The presumption that a visible firearm is intimidating applies whenever a person is interacting with someone because they are voting or administering elections, but would also apply when a current or past election official is in a location where guns are not prohibited. For example, if a group of people angry about an election outcome showed up to the home of an election official carrying visible guns—as happened to the Michigan Secretary of State in 2020—those individuals would not necessarily be violating state gun laws. But they may be civilly liable under HB25-1225, even though the incident did not occur while the official was administering elections. The defendant can rebut the presumption and explain why the presence of a gun in the interaction was not intimidating.

**Amendments:**

**L.001:** Clarifies that the visible firearm presumption does not apply to security hired to work at polling locations or buildings where polling locations are present when they are acting within the scope of their duties.

**L.002:** Clarifies that an enforcement action taken against an election judge for a violation of state law, a rule promulgated by the Secretary of State, or the judge's oath is not actionable under this act.

Supporters	Point of Contact
America Votes, Common Cause, GIFFORDS, Brady United, Everytown for Gun Safety, Colorado Secretary of State's Office, Colorado County Clerks Association, League of Women Voters Colorado	<u>Jasleen Singh</u> Counsel, Voting Rights Brennan Center for Justice singhj@brennan.law.nyu.edu