

HB25-1225 “Freedom From Intimidation in Elections Act 4/14/2025

My name is Keith Emerson, I am retired professional engineer and am not representing any organization.

This bill will make some feel virtuous but it makes no sense. What it tries to make illegal is already illegal, except where it attempts to criminalize free speech. Please “postpone this bill indefinitely.”

Personally, I typically find open carry of firearms comforting but I realize that some people see all firearms as a personal threat. That said, open carry of firearms is legally permitted in most areas of the state, subject in some cases to local regulation, like in Denver. Legal open carrying of a firearm combined with a mention of an election to an overly sensitive potential voter or other person shouldn't be grounds to trigger a lawsuit.

As acknowledged in the Declaration to this bill, open carry (and concealed carry because somehow it could be threatening too) is already illegal within 100 feet of anywhere associated with voting. The latest change to that was last year's SB24-131<sup>1</sup> when concealed carry was forbidden as well.

As far as placing a bubble around everyone associated with elections (including an individual voter) everywhere, talking with someone while legally open carrying a firearm is not illegal and will be considered free speech under the 1<sup>st</sup> Amendment by our court system rather than being automatically “presumed....to have engaged in intimidation” [Page 6 Line13].

Importantly, intimidation with a firearm (which some call brandishing) is already covered by Colorado law in two places:

18-9-106 (1)(f) “....displays any article used or fashioned in a manner to cause a person to reasonably believe that the article is a firearm, or represents verbally or otherwise that he or she is armed with a firearm in a public place in a manner calculated to alarm and does alarm another person.”

18-3-206 – Menacing - “A person commits the crime of menacing if, by any threat or physical action, he or she knowingly places or attempts to place another person in fear of imminent serious bodily injury. Menacing is a class 1 misdemeanor, but it is a class 5

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<sup>1</sup> SB24-131 - (3) (a) It is unlawful for any person to openly carry a firearm, as defined in section 18-1-901 (3)(h), within any polling location, or within one hundred feet of a drop box or any building in which a polling location is located, as publicly posted by the designated election official, on the day of any election or during the time when voting is permitted for any election. The designated election official responsible for any central count facility, polling location, or drop box involved in that election cycle shall visibly place a sign notifying persons of the one-hundred-foot no open carry zone for firearms required pursuant to this section

felony if committed by the use of a firearm, knife, or bludgeon or a simulated firearm, knife, or bludgeon.”

Toward the end of this bill it states [Page 8 Line 7] that, “To prevail in a suit to enforce subsection (3) of the section, a plaintiff is not required to prove that a defendant intended to intimidate, threaten or coerce an individual, except to prove an attempt to intimidate, threaten, or coerce.” One would hope this would be considered in light of allowed Free Speech!

As for the Fiscal Note reading zero cost, it states:

“The bill may increase workload in the Department of Law and the Department of State, which have the authority to enforce the bill’s provisions. Any additional civil actions will also increase workload in the trial courts and the Judicial Department. The fiscal note assumes high levels of compliance and that any additional impact to these departments will be minimal.”

This is a different approach than taken with similar bills which assume that there will be actions filed to increase both the court and possibly the Attorney General’s workload. This assumption is also at odds with the justification for the bill that would seem to indicate that intimidation is a widespread problem.

This bill is an affront to the 1<sup>st</sup> Amendment as well as the 2<sup>nd</sup> while claiming to make illegal something that is already illegal. Please postpone HB25-1225 indefinitely!



Everytown for Gun Safety  
Alison Shih, Senior Counsel  
April 15, 2025  
**Re: HB25-1225**

Dear Members of the Senate State, Veterans, & Military Affairs Committee,

I am writing to urge you to support HB25-1225. This bill would protect election workers and voters from political violence and intimidation. Violent extremists seeking to undermine our democratic institutions are a chronic and ongoing problem. On their own, threats and acts of intimidation are harmful to our democratic institutions. And with every threat, there is a risk of escalation to physical violence. Here is a sampling of threats against election officials that have occurred in our country in recent years:

- In 2022, a Republican election commissioner in Philadelphia began experiencing harassment about a week before the interim elections. He, and his fellow commissioners received a voice message stating that they were “the reason why we have the Second Amendment.” Just after the election, police arrested two men outside the vote counting center, armed with several guns, including an AR-15-style firearm. In the weeks that followed, Schmidt and his family received a slew of threats. Even his wife received an email with multiple threats, including one stating, “ALBERT RINO SCHMIDT WILL BE FATALLY SHOT”...
- Race-based harassment of election workers has also become all too common. In Fulton County, Georgia, a registration chief who is a Black man, received a threat calling him a racial slur who should be shot. He was also told he would be dragged around by a truck until he died.
- In Detroit, a city clerk, who is a Black woman, received a report from authorities that a white supremacist was making death threats against her.
- And in Broward County, Florida, a Supervisor of Elections, who is Black, received many threats, including an email that used a racial slur and called him “sub-human.”

Political violence and threats of armed extremism are never acceptable in an advanced society and we must continue to innovate ways to prevent it especially when threats and intimidation are

driving election officials out of the profession. And we have to do everything we can do to prevent threats and intimidation from escalating to physical violence.

This bill adds another tool to the toolbox of ways to protect voters and election workers and, in turn, our elections. I urge you to vote yes.

Thank you for your time and consideration.

Alison Shih

Senior counsel

Everytown for Gun Safety

**To:** Senate Committee on State, Veterans, & Military Affairs  
**Fr:** Jessie Ojeda, State & Local Policy Attorney, GIFFORDS Law Center  
**Re:** HB 1225, *Freedom from Intimidation in Elections Act*  
**Date:** April 15, 2025

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Dear Chair Coleman and Members of the Committee,

As a State Policy Attorney and head of the Guns & Democracy Program at **GIFFORDS Law Center**—the gun violence prevention organization founded and led by former Congresswoman Gabrielle Giffords—I submit this testimony in **strong support of HB 1225**.

Colorado has long led the nation in promoting secure, accessible elections, including by ensuring polling places and drop boxes remain free from firearms. **But threats to democracy continue to evolve.** Increasingly, bad actors seek to undermine elections not necessarily through direct violence, but through armed intimidation—**using the presence of guns to discourage participation and sow fear in voters and election workers.**

This bill acknowledges the reality that **armed intimidation is a tactic explicitly designed to erode trust in our elections.** In recent elections across the country, we have seen armed individuals<sup>1</sup> gathering near polling sites and drop boxes, engaging in surveillance<sup>2</sup> and, increasingly, escalating to direct confrontations and threats.<sup>3</sup> **The bill also accounts for the reality that intimidation doesn't stop when the workday ends.** With the ease of accessing personal information online, election workers and their families are increasingly harassed at home and in their daily lives.<sup>4</sup>

**This type of harassment has led to real consequences, particularly impacting our election workers who are fleeing the profession at historic rates.** The Brennan Center for Justice has found that over one-third of local election officials have experienced threats or harassment due to their role, and another third know someone who left the field because of safety concerns.<sup>5</sup> **In Colorado, the attrition rate is even higher: more than 40% of local election officials have left their positions since 2020.**<sup>6</sup>

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<sup>1</sup> Tim Sullivan & Adam Geller, *Increasingly Normal: Guns Seen Outside Vote-Counting Centers*, AP News, Nov. 7, 2020.

<sup>2</sup> Jerod Macdonald-Evoy, *Leaked Chats Reveal Right-Wing Militia's Coordinated Efforts to Watch AZ Ballot Boxes*, AZ Mirror, Oct. 17, 2024.

<sup>3</sup> Glenn Thrush et al, *Election Officials Face Torrent of Threats as Nov. 5 Looms*, N.Y. Times, Oct. 25, 2024.

<sup>4</sup> See e.g., Caitlin O'Kane, *Dozens of armed "stop the steal" protesters threaten Michigan Secretary of State outside her house*, CBS News, Dec. 7, 2020,

<https://www.cbsnews.com/news/michigan-protest-jocelyn-benson-secretary-of-state/>; Linda So, *Trump-inspired death threats are terrorizing election workers*, Reuters, June 11, 2021,

<https://www.reuters.com/investigates/special-report/usa-trump-georgia-threats/>.

<sup>5</sup> *Local Election Officials Survey — May 2024*, Brennan Ctr. For Justice, May 1, 2024,

<https://www.brennancenter.org/our-work/research-reports/local-election-officials-survey-may-2024>.

<sup>6</sup> Shaun Boyd, *Nearly 40% of Colorado's local election officials are new since 2020*, CBS News, Sept. 9, 2024, <https://www.cbsnews.com/colorado/news/nearly-40-percent-colorado-local-election-officials-new-since-2020/>.

Emerging research also shows the broader impact of this climate of intimidation. **A 2022 Global Project Against Hate and Extremism study found that 41% of voters feel unsafe at polling places, with nearly one-third fearing Election Day violence—concerns especially pronounced among minority and young voters.**<sup>7</sup> This surge in intimidation coincides with record gun sales and a dangerous rise in political extremism.<sup>8</sup> Nearly one in four Americans now believe political violence may be necessary to “save the country.”<sup>9</sup>

Recent reports, including GIFFORDS’ *Guns & Voting*<sup>10</sup> report (written in partnership with the Brennan Center for Justice) and *Engines of Extremism: How the Gun Industry Profits from Fear*<sup>11</sup>, further detail how firearms are increasingly being used as tools of voter suppression and intimidation. The latter report also highlights how gun industry marketing strategies have exacerbated fears of political violence, contributing to an environment where armed intimidation at election sites has become normalized.

HB 1225 takes a proactive and necessary step to ensure that armed intimidation does not become a tool for suppressing democracy in Colorado. We thank the committee for taking up this important bill and urge swift passage of this legislation.

Respectfully Submitted,



Jessie Ojeda  
State & Local Policy Attorney  
GIFFORDS Law Center to Prevent Violence

## ABOUT GIFFORDS

Giffords is a nonprofit organization dedicated to saving lives from gun violence. Led by former Congresswoman Gabrielle Giffords, Giffords shifts culture, changes policies, and challenges injustice, inspiring Americans across the country to fight gun violence.

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<sup>7</sup> *Americans’ Fears Suppressing Participation in Democracy*, Glob. Project Against Hate and Extremism, Aug. 4, 2022.

<sup>8</sup> Marissa Edmund, *Guns Are Fueling the Rise in Domestic Extremist Violence*, Ctr. for Am. Progress, Sept. 15, 2022, <https://www.americanprogress.org/article/guns-are-fueling-the-rise-in-domestic-extremist-violence-across-the-country/>

<sup>9</sup> David Smith, *Nearly One in Four Americans Believe Political Violence Justified to ‘Save’ US*, The Guardian, Oct. 25, 2023.

<sup>10</sup> Allison Anderman, Jessie Ojeda, Robyn Sanders & Sean Morales-Doyle, *Guns and Voting*, GIFFORDS & The Brennan Center for Justice, September 18, 2023.

<sup>11</sup> Jessie Ojeda, *Engines of Extremism: How the Gun Industry Profits from Fear*, GIFFORDS, Oct. 24, 2024.

Thank you Mr. Chair,

My name is Andrew Barton, the Program Manager for Colorado Common Cause. We're a nonpartisan nonprofit organization that has worked in Colorado since 1972 to advance the right to vote and make government more accessible and accountable.

We are here today to urge the committee to vote YES on House Bill 1225.

The freedom to vote is foundational to our democracy, and our legislature has responded to growing safety concerns by acting to protect both Colorado voters and election workers.

In 2022, Colorado passed the Vote Without Fear Act prohibiting open carrying at polling places. Last year, Colorado passed Senate Bill 131 prohibiting any carrying of a firearm at polling places. 1225 is an important next step in strengthening these protections and ensuring the voting process is free from intimidation.

Over the past decade we've seen a rise in violent rhetoric and armed intimidation at protests and polling places. The president of the United States has repeatedly called for poll watchers to monitor the polls for him, and armed groups have activated to watch vote counting facilities and stand guard at poll sites. According to a survey by the Brennan Center nearly one in three election officials feel unsafe because of their job and nearly one in five listed threats to their lives as a job-related concern. Our election workers provide a vital service to our democracy and should never feel unsafe while doing their jobs.

Colorado Common Cause leads a coalition that manages the state's largest nonpartisan voter protection program, JustVote Colorado. JustVote Colorado provides a voter hotline during early voting through Election Day that answers questions about where and how to vote and allows voters to report any issues at Voter Service and Polling Centers or Drop Boxes. This past election, we also deployed about 350 volunteers to be friendly faces at polling sites across the state, hand out food and beverages, and keep people in line despite freezing temperatures and snow. A major component of that program is training volunteers and partners to spot and report intimidation at the polls, and in past years, we've had instances where a caller reported seeing a person with a firearm near a ballot drop box or voter service and polling center.

Any kind of firearm at a voting location can create fear and uncertainty among voters and election workers who are simply trying to do their jobs. There is no room for ambiguity when it comes to protecting every Coloradan's right to vote without fear, intimidation, or violence of any kind.

Let's ensure Colorado remains the best place in the country to vote.

Please vote yes on the Freedom from Intimidation in Elections Act.

Thank you.

Good Afternoon Mr. Chair and Committee Members,

My name is Amy Diamond and I am testifying in support of HB25-1225, Freedom from Intimidation in Elections Act, for which I'd also like to thank the sponsors at this time for bringing. There is nothing to take for granted today about our legal and logistical ability to vote, much less our physical and psychological safety in doing so. It is for the latter domains in particular that I am strongly urging a yes vote today.

American authoritarianism has prototypes all over the globe, featuring vote suppression, intimidation, and violence, which leads to mass torture and death unless interrupted or prevented.<sup>1-3</sup> We can no longer afford to entertain such a stark assertion as hyperbole. Accordingly, the voting site must be protected as a manifest nexus and symbol of self-sovereignty, democracy, and state-assured safety.<sup>4</sup> Especially now that our freedom-loving state is vulnerable to federal capriciousness, HB25-1225 is acutely essential to this end.<sup>5</sup> Please consider the following points:

A. The weaponization of fear through intimidation that historical precedence<sup>1-3, 6</sup> warns us to expect under dictatorships is intensely antisocial, unethical, and thus a serious public health threat.

- Examples of the nefarious contrivance at play include the attempts last summer to stoke distrust in the election process through elaborate hoaxes.<sup>7</sup>
- Such strategies effectively jump start the brain to stay vigilant and poised to react on impulse rather than to reflect, which by contrast, avails us to much more of our brain than the most primitive regions and functions bound to the fight, flight, freeze, or fawn menu.<sup>8</sup>
- The resultant stress response is psychiatrically destabilizing and particularly when chronic, contributory to major health problems.<sup>8-9</sup>
- This bill offers victims a path to restore their sense of empowerment through a civic avenue of redress.

B. Second Amendment rights are not imposed on by this bill for law-abiding gun owners.

- Presuming a shared collective goal of public harmony, it follows that such an environment would decrease the need for self protection at voting sites.
- Even by the logic of gun proponents' own oft-uttered claim (paraphrased), "criminals won't follow gun laws anyway, so what's the use.." there is reason to anticipate the need for measures to safeguard the well-being of the public.

- The bill supports gun-owning folks who might be going through a stressor by offering a buffer in the form of another reason to reflect (on additional consequences) rather than to react (with posturing or violence).

Thank you for considering this win-win bill that would protect the entire state from otherwise inevitable breaches of inalienable rights predicated on the absence of threat and violence.

Amy Diamond, MA, MSN, APRN, PMHNP-BC

## References

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**Senate State, Veterans, & Military Affairs**

**04/15/2025 02:00 PM**

**HB25-1225 Freedom from Intimidation in Elections Act**

**Typed Text of Testimony Submitted**

<b>Name, Position, Representing</b>	<b>Typed Text of Testimony</b>
Teresa Buttler  For  themselves	I support this bill to protect voters from intimidation and coercion at polling places
Robert Edmiston  Against  The Firearms Coalition of Colorado	<p>Testimony in opposition to: HB25-1225, Freedom From Intimidation in Elections Act</p> <p>The Firearms Coalition of Colorado PO Box 1454, Englewood, CO 80150-1454</p> <p>Thank you, Chair and Committee.</p> <p>My name is Robert Edmiston. I am with the Firearms Coalition of Colorado an NRA-affiliated, all-volunteer, grassroots organization dedicated to the protection of individual rights and public safety.</p> <p>I am a former U.S. Army Officer and Vocational Rehabilitation Counselor. I have a Master's Degree in Psychology, Counseling and Guidance.</p> <p>I am writing in opposition to the measure under consideration. While the intention of the sponsor to promote election safety is laudable and honorable, this approach seems to be misguided and to have several unintended consequences. We believe that this bill is not a solution in search of a problem. We think it is an overly broad problem in search of a problem.</p> <p>Brandishing a weapon and menacing are already crimes in Colorado. The measure is redundant and unnecessary, as well as a nightmare vis a vis the Constitutional Rights of Coloradans in those areas where the state and local governments have graciously allowed open carry of firearms.</p>

	<p>Page 6, Line 12, almost implies a presumption of intimidation on the part of an open carrier. This logical leap seems to stray into Minority Report territory, where the government can somehow read minds and divine the intentions of citizens.</p> <p>Page 7, Line 26, seems to imply that the very act of open carry is an attempt at intimidation or coercion. The Bill effectively puts a preemptive restraining order out against all open carriers in the state during an almost continuous multitude of campaign and petition gathering seasons, not to mention casual political discussions, which could happen at any time. Not only would a person who was open carrying have to worry about potential criminal activity around him or her, he or she also would also be forced to run a dangerous gauntlet of voter registration workers and petition circulators with clipboards, campaign workers, and less than honest "plain clothes" political activists on the prowl for lawfare fodder against unsuspecting citizens.</p> <p>This bill would create "un-free speech zones" near supermarkets, public gatherings, street corners, and numerous other places, and have a definite chilling effect on the exercise of a Constitutionally-protected right. In addition, the bill will almost certainly be challenged in court, adding much more in legal costs to Colorado's already strained budget.</p> <p>We urge a "No" vote on this proposal.</p> <p>Thank you,</p> <p>Robert Edmiston          Volunteer Lobbyist          The Firearms Coalition of Colorado          PO Box 1454, Englewood, CO 80150-1454</p>
<p>Jeany Rush          Against          themself</p>	<p>TO: SENATE COMMITTEE FOR STATE, VETERANS, &amp; MILITARY AFFAIRS 4-15-25          PREVIOUSLY SENT TO HOUSE COMMITTEE          TO: HOUSE STATE, CIVIC, MILITARY, &amp; VETERANS AFFAIRS          RE: HB25-1225 Freedom from Intimidation in Elections Act          Sponsor: Woodrow 3-17-25          FROM: Jeany Rush, Colorado Springs Constituent          VOTE NO</p> <p>You have managed to create a dystopian ethos in one bill by combining a variety of scenarios to scare, legislate, control, and twist reality while creating yet another</p>

	<p>document, bill, law, edict to tell the public more of the misinformation running around in circles.</p> <p>We do not need another hidden gun control device, and to include toy guns, makes me think you are not genuine, nor Realistic.. Another Ministry of Thought and Scare Police.</p> <p>Another aggrieved individual misinformed, or set into motion for yet another litigation avenue. Like we don't already have enough of the frivolous suits going around the country.</p> <p>Anyone carrying a visable weapon is carrying legally, or if not, there are already laws to address all of that ad nauseum in Colorado.</p> <p>We also have laws about how to behave at poll places, and having been a poll judge, I have seen that operate quite efficiently, and no one was breaking any laws, or rules. Most of the people who work in our election centers, have taken training, and already do things in a very proper manner.</p> <p>We do not need more people in the SOS, and AG office, etc. to exercise any more powers over our heads.</p> <p>Elections should be local, and not the "Over Lord" system Colorado is attempting to cram down our throats.</p> <p>You are at this point, wasting our money, and creating more Fear PORN in every way. How About concentrating on the real Porn you all are pushing in our schools, and childrens' lives! NO NO NO</p>
<p>Allison Anderman For Brennan Center for Justice</p>	<p>Good evening. My name is Allison Anderman, and I am an attorney consultant for the Brennan Center for Justice at NYU School of Law.</p> <p>I am testifying in support of HB 1225.</p> <p>In 2022 and 2024, this legislature wisely banned guns around elections. This made meaningful progress towards making elections safer from violence and intimidation. In doing so, Colorado joined Arizona, Florida, Georgia, Louisiana, Texas and several other states that long ago recognized that guns can, and have, been used to intimidate voters and election workers. This bill adds onto those protections by giving voters and election workers civil remedies for intimidation.</p> <p>The bill also presumes that a person carrying a visible firearm around voters or election workers is intimidating. This presumption is based on the same rationale that led the legislature to ban guns around elections - guns are intimidating, and, as many gun rights advocates will tell you, they want them to be. The Supreme Court has acknowledged this fact in its Bruen and Heller decisions, when it said that banning guns at polling places was presumptively constitutional.</p>

	<p>Nevertheless, the presumption, like all other presumptions in our laws, can be rebutted. A person can show that, based on the circumstances, it was not reasonable for the voter or election worker to have felt intimidated.</p> <p>Everyone has the constitutional right to opine on our elections. But they do not have the right to threaten or intimidate people who are voting or serving their country as an election worker or official. And they certainly do not have the right to do so with a gun.</p> <p>Thank you, members of the committee, for your consideration.</p> <p>I respectfully ask for your AYE vote.</p>
<p>Aaron Mercer Against themselves</p>	<p>Everyone who is legally allowed to vote should be free to vote however they wish without intimidation. However, the manner in which this bill is written and language used I do not agree with. I am a gun loving red blooded american and I carry the majority of the time. If I am carrying or have a firearm on my own property or any where I am legally allowed to carry and some takes offense to that because they feel guns are evil, now I am in violation of this law. Or if my kids have a toy gun or a water gun, in the summer and again someone takes offense to that that could be a violation of this law as it is written. Due to the language and how this bill is written I am against this bill and I encourage everyone to also be a NO vote. Thank you for your time.</p>
<p>Maxwell Hayes For themselves</p>	<p>I strongly support the passing of this unconstitutional bill that violates the 1st amendment. After having passed the anti gun bill that destroyed the 2nd amendment in colorado I believe violating the 1st will then allow the state of colorado to violate the 13 th amendment which will effectively solidify the slave class in coloadro. For far to long have rich democrats gone with out a slave class. So I ask this commite to help in slave all colorado resident this this law that further violates the freedoms of Americans. Hell we can even make the idiots in colorado submit to goberment ordained religions next</p> <p>All hail democrat slavery</p>
<p>Justin Beard Against themselves</p>	<p>Wow, we are already a litigious enough of a society. Let's just ensnare lawful gun owners who might lawfully be open carrying but happen into a situation where someone wants to discuss politics/voting. What if I'm in my front yard mowing and open carrying and someone walks down the sidewalk and gets into a diatribe? There are already laws on the books to punish vote tampering. This bill seems like just a means to punish gun owners... yet again.</p> <p>Please vote NO on 1225.</p>

Good evening Chair and members of the Committee. My name is Jasleen Singh, and I am an attorney at the Brennan Center for Justice at NYU School of Law—a non-partisan organization dedicated to protecting and strengthening democracy. I am here today to offer our support for HB 25-1225, the Freedom from Intimidation in Elections Act.

The threat of intimidation in our elections has existed for as long as our country has held elections. Over the years, what that intimidation looks like has evolved. But each time that has happened, lawmakers like yourselves have stepped up to confront the problem.

During the Reconstruction era, for example, intimidation took the form of the KKK terrorizing Black voters and their allies. In response, Congress stepped up to pass the Klan Act in 1871.

Nearly 100 years later, intimidation took the form of literacy tests and poll taxes that disenfranchised Black Americans, and violence against voters and voting rights activists. In response, Congress passed the federal Voting Rights Act of 1965.

Now, we face a new threat to our election system: an effort to discredit American elections and the people who run them. And once again, it has led to a new form of intimidation: widespread allegations of unproven fraud are driving violence and threats directed at election officials, poll workers, and voters.

Colorado has already taken steps to address these threats by passing legislation to prohibit firearms at polling locations, counting facilities, and near drop boxes in 2022 and 2024. This legislature also passed the Protections for Elections Officials Act in 2022.

Today, I ask you to follow in these footsteps by passing HB 1225, which would make significant and further strides towards addressing this new threat.

In Colorado, like in all states, it is a crime to intimidate a voter or election worker. Yet only six states allow voters to sue for damages, and only two allow election workers to do so. Private enforcement is very effective at deterring bad behavior – what better use of it than safeguarding our democracy?

Colorado can join a handful of states leading the nation by taking this important step towards protecting its valued civil servants and voters. I respectfully ask for your Aye vote. Thank you.