

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 25-0803.02 Nicole Myers x4326

HOUSE BILL 25-1225

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A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill creates the "Freedom From Intimidation In Elections Act", which prohibits any individual from intimidating, threatening, or coercing or attempting to intimidate, threaten, or coerce any individual for:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
3rd Reading Unamended
April 28, 2025

SENATE
Amended 2nd Reading
April 25, 2025

HOUSE
3rd Reading Unamended
April 1, 2025

HOUSE
Amended 2nd Reading
March 28, 2025

- Voting or attempting to vote;
- Urging or aiding any individual to vote or attempt to vote;
- Exercising any powers or duties to administer elections, including vote counting, canvassing, and election certification; or
- The individual's status as a past or present participant in the administration of elections.

The bill specifies that an individual who carries a visible firearm, imitation firearm, or toy firearm while interacting with or observing any of the specified election-related activities is presumed, in the absence of any affirmative showing to the contrary, to have engaged in intimidation prohibited by the bill.

An aggrieved individual, an election official, a designated election official, the secretary of state, or the attorney general may enforce the provisions of the bill. A suit brought by an election official, a designated election official, the secretary of state, or the attorney general does not preclude a contemporaneous private suit by an aggrieved individual to enforce the provisions of the bill.

In a suit to enforce the provisions of the bill, a court may grant relief enjoining the use or carrying of firearms by a defendant beyond the areas defined in current law. To prevail in a suit to enforce the provisions of the bill, 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.

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

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

4 (a) The United States, including Colorado, has a history of
5 intimidation in elections. Often, election intimidation has been targeted
6 at voters of color, prompting federal legislation as far back as the federal
7 "Enforcement Acts" of 1870 and 1871, through the enactment of section
8 11(b) of the federal "Voting Rights Act of 1965", 52 U.S.C. sec. 10101
9 et seq.

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

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

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

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

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

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

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

23 (a) The "Freedom From Intimidation In Elections Act" is intended
24 to supplement existing anti-intimidation law under section 11(b) of the
25 federal "Voting Rights Act of 1965", 52 U.S.C. sec. 10101 et seq., by,
26 among other things, providing specific, explicit protections for election
27 workers and acknowledging that in this era of increased firearm violence

1 and election denialism, the presence of firearms in proximity to elections
2 is presumptively intimidating. The "Freedom From Intimidation In
3 Elections Act" should not be construed, however, to suggest that other
4 anti-intimidation laws do not protect election workers or protect against
5 the use of firearms to intimidate voters and election workers.

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

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

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

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

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

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

7 (a) "FIREARM" HAS THE SAME MEANING AS SET FORTH IN SECTION
8 18-1-901 (3)(h).

9 (b) "IMITATION FIREARM" MEANS AN OBJECT OR DEVICE
10 REASONABLY CAPABLE OF BEING MISTAKEN FOR A FIREARM OR FOR A
11 WEAPON THAT USES COMPRESSED AIR OR ANOTHER GAS TO FIRE A
12 PROJECTILE.

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

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

26 (a) VOTING OR ATTEMPTING TO VOTE;

27 (b) URGING OR AIDING ANY INDIVIDUAL TO VOTE OR ATTEMPT TO

1 VOTE, WHETHER AS PART OF OFFICIAL ELECTION ADMINISTRATION
2 ACTIVITY OR OTHERWISE;

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

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

9 (4) **Presumption of engaging in election-related**
10 **intimidation.** (a) AN INDIVIDUAL WHO CARRIES A VISIBLE FIREARM,
11 IMITATION FIREARM, OR TOY FIREARM WHILE INTERACTING WITH OR
12 OBSERVING ANY OF THE ACTIVITIES DESCRIBED IN SUBSECTION (3) OF THIS
13 SECTION IS PRESUMED, IN THE ABSENCE OF ANY AFFIRMATIVE SHOWING TO
14 THE CONTRARY BY A PREPONDERANCE OF THE EVIDENCE, TO HAVE
15 ENGAGED IN INTIMIDATION PROHIBITED BY THIS SECTION.

16 (b) THE PRESUMPTION SPECIFIED IN SUBSECTION (4)(a) OF THIS
17 SECTION DOES NOT APPLY TO A LAW ENFORCEMENT OFFICER ACTING
18 WITHIN THE SCOPE OF THE OFFICER'S OFFICIAL DUTIES OR TO A UNIFORMED
19 SECURITY GUARD EMPLOYED BY A CONTRACT SECURITY AGENCY AS
20 DEFINED IN SECTION 24-33.5-415.4, ACTING WITHIN THE SCOPE OF THE
21 AUTHORITY GRANTED BY AND IN THE PERFORMANCE OF A CONTRACTUAL
22 AGREEMENT FOR THE PROVISION OF SECURITY SERVICES WITH A PERSON
23 OR ENTITY THAT OWNS OR CONTROLS THE FACILITY, BUILDING, OR
24 LOCATION SUBJECT TO THIS SECTION. ACCORDINGLY, A PLAINTIFF MUST
25 ALLEGE MORE THAN SUCH A LAW ENFORCEMENT OFFICER'S OR UNIFORMED
26 SECURITY GUARD'S POSSESSION OF A HOLSTERED FIREARM TO STATE A
27 CLAIM UNDER THIS SECTION; EXCEPT THAT A COURT MAY CONSIDER A LAW

1 ENFORCEMENT OFFICER'S OR UNIFORMED SECURITY GUARD'S POSSESSION
2 OF A FIREARM IN DETERMINING WHETHER THE LAW ENFORCEMENT OFFICER
3 OR UNIFORMED SECURITY GUARD VIOLATED SUBSECTION (3) OF THIS
4 SECTION.

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

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

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

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

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

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

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

16 (7) **Exceptions.** THIS SECTION DOES NOT APPLY TO AN
17 ENFORCEMENT ACTION TAKEN PURSUANT TO SECTION 1-1-107 OR
18 1-1.5-104, OR TO AN ENFORCEMENT ACTION TAKEN BY A DESIGNATED
19 ELECTION OFFICIAL AGAINST AN ELECTION JUDGE FOR A VIOLATION OF A
20 STATUTE, A RULE PROMULGATED BY THE SECRETARY OF STATE, OR THE
21 ELECTION JUDGE'S OATH.

22 **SECTION 3. Safety clause.** The general assembly finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, or safety or for appropriations for
25 the support and maintenance of the departments of the state and state
26 institutions.