

Ms. Victoria S. Berardi
Colorado Resident
Rangely, Colorado 81648

Honorable Members
House of Representatives
200 E Colfax Ave. Ste. 307
Denver, Colorado 89293

RE: Unlawful Internal Elections Security Measures

Dear Honorable Members:

I write to state my opposition to the *Internal Elections Security Measures* as it violates the United States Constitution (US Constitution) and the State of Colorado Constitution (Colorado Constitution).

Without evidence or warrant of need, the Bill increases election security measures thereby violating the US Constitution Fourteenth Amendment to limit restrictions on voting rights that place a severe burden on voters—a severe burden exists by requiring stipulations as hereby described.

The Secretary of State's office claims the Bill is aimed at heightening security requirements around voting equipment, by requiring continuous video surveillance of voting systems which violates Colorado Constitution Article II: Section 5. Freedom of Election which states, "All elections shall be free and open; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage." Continuous video surveillance is manipulative, intimidating, and violates a voter's privacy, thus making it neither free nor open and does interfere with voting.

Violating the US Constitution Fourteenth Amendment, the Bill "[a]uthorizes a coordinated election official or the secretary's office to file a petition in district court alleging that a person charged with a duty under the election code has committed or is about to commit a breach or neglect of duty or other wrongful act." The State cannot predetermine what someone may do nor prosecute someone for an idea. The law states, "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any state deprive any person of life, liberty, or property without due process of law; nor deny to any within its jurisdiction equal protection of the laws." Additionally, the Colorado Constitution Bill of Rights protects citizens in Article II: Section 16: asserting that "In criminal prosecutions the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation; ..." And prior to speaking or writing, no person may be accused or prosecuted for their speech or text as protected in the Colorado Constitution Article II: Section 10: "No law shall be passed impairing the freedom of speech; every person shall be free to speak, write or publish whatever he will on any subject, being responsible for all abuse of that liberty; and in all suits and prosecutions for libel the truth thereof may be given in evidence, and the jury, under the direction of the court, shall determine the law and the fact." Stating what one believes is not libel as conditioned by a person's personal opinion.

Requiring electronic election equipment violates the Colorado Constitution. The Bill Section 10 requires that for elections conducted under the "Uniform Election Code of 1992", the governing

body of any political subdivision is required to adopt an electronic or electromechanical voting system to be used for tabulating votes at all elections held by the political subdivision. This requirement does not apply to counties with fewer than 1,000 active electors at the date of the last general election, and Section 11 prohibits a county from creating, permitting any person to create, or disclosing to any person an image of the hard drive of any voting system component without the express written permission of the department.”

Colorado residents may choose their election process per the Colorado Constitution Article II: Section 2. which asserts “The people of this state have the sole and exclusive right of governing themselves, as a free, sovereign and independent state; and to alter and abolish their constitution and form of government whenever they may deem it necessary to their safety and happiness, provided, such change be not repugnant to the Constitution of the United States.” Restricting the People’s voting process and violating their voter integrity do inhibit the People from governing themselves. Thus, the People oppose required electronic election equipment.

The Bill also predisposes the State to commit bribery in Section 12 which “...directs the general assembly to make an appropriation from the general fund to the department of state for the 2022 - 23 state fiscal year to be used to administer a grant program to provide assistance to counties in complying with the security requirements of the Bill”, the security requirements meaning electronic election equipment. The Colorado Constitution defines bribery in Article II: Section 18-8-302 stating “[A] person commits the crime of bribery, if: (a) He offers, confers, or agrees to confer any pecuniary benefit upon a public servant with the intent to influence the public servant's vote, opinion, judgment, exercise of discretion, or other action in his official capacity” The State is giving pecuniary benefit when it awards the use of electronic equipment, thus is committing bribery.

Our elected officials swore to uphold the United States Constitution and the Colorado Constitution, elected to represent the People not the State; their power is vested in the Colorado Constitution Bill of Rights Article II: Section 1: which states, “All political power is vested in and derived from the people; all government, of right, originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.” Opposition of SB22-153 is for good of the whole.

In conclusion, the US Constitution First Amendment grants the People *Petition*, “...the right to ask government at any level to right a wrong or correct a problem by right of petition.” Therefore, be it known that the People assert their right of petition against this the Internal Elections Security Measures”

Respectfully,

Victoria S. Berardi

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