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COLORADO STATE SENATE

COLORADO STATE SENATOR MARK BAISLEY STATEMENT ON COLORADO STATE SUPREME COURT RULING REGARDING THE PREVENTION OF DONALD TRUMP FROM APPEARING ON THE BALLOT

A tragically misguided Colorado lawsuit has placed the nation in a position of constitutional crisis with historic implications. The Colorado State Supreme Court's cooperation with an attempt to prevent the leading presidential candidate from appearing on the ballot is election interference of third world proportions. They have declared President Trump guilty of a crime without a trial while contorting the Constitution toward achieving their predetermined ruling. Their irregular judicial behavior has made even more vulnerable the people's confidence in Colorado's election system. The one remaining opportunity for redemption is the hopeful overruling by the United States Supreme Court. That decision will either give us regular order or allow for national chaos — and I do not believe that I am exaggerating.

In a 4 to 3 majority ruling on December 19, the Colorado State Supreme Court declared that "President Trump is disqualified from holding the office of President under Section Three of the Fourteenth Amendment to the United States Constitution." The Court goes on to say that, "Because he is disqualified, it would be a wrongful act under the Election Code for the Colorado Secretary of State to list him as a candidate on the presidential primary ballot."

Leading up to this declaration was a ruling on November 17 in a Denver Judicial District Court in response to a citizen lawsuit. That district court judge "found by clear and convincing evidence that President Trump engaged in insurrection as those terms are used in Section Three." While the district court judge reached beyond her authority in finding President Trump guilty of insurrection, she had correctly concluded that "the drafters of the Section Three of the Fourteenth Amendment did not intend to include the President as 'an officer of the United States.'" The Colorado State Supreme Court overruled the district court by stating, "Section Three encompasses the office of the Presidency and someone who has taken an oath as President. On this point, the district court committed reversible error."

Section Three of the Fourteenth Amendment reads:

"No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability."

The drafters of this amendment deliberately omitted the positions of President and Vice President from the Fourteenth Amendment. Therefore, someone convicted of insurrection may not be eligible to become a Senator or Representative in Congress but he could become President.

But President Trump has not been charged with the crime of insurrection. And it is not the authority of the district court nor the state supreme court to declare guilt without respecting the constitutionally

established rights of the accused. Those include the right to trial by jury, representation by counsel, to present witnesses and evidence that would enable him to prove his innocence, and to confront (cross-examine) his accusers, as well as freedom from unreasonable searches and seizures. None of these rights were afforded to President Trump by the Colorado district court judge nor by the Colorado State Supreme Court justices.

For these judicial considerations, I am confident that the United States Supreme Court will, once again, put Colorado's rogue court system back in its place with a timely ruling.

Once this latest and historic dispute is settled, it is critical that the entire country engages in a genuine effort to earn back the trust of the American voter. Citizens would readily accept election outcomes if they had assurance that the process is fair, transparent and accurately reflects the expressed will of the voters. But even before this most recent tantrum, election shenanigans have given voters many reasons to doubt that the outcome is fair. Some accusations can be dismissed as conspiracy theory but the following, verifiable facts are not in dispute;

Over the past 5 years Democrats have held complete control over the Colorado State House, State Senate and the Governor's office. During that period no less than 17 Democrat sponsored election rule bills have been signed into law. Also during that period, every Republican sponsored election integrity bill was killed by the Democrats. These include:

- HB22-1204 Election Systems [integrity measures], Rep. Ron Hanks
- HB22-1078 Voting Systems Standards Adoption, Rep. Mark Baisley
- HB21-1053 Election Recount Requests, Rep. Dave Williams
- HB21-1176 Election Integrity And Voter Accuracy, Rep. Richard Holtorf
- SB21-007 Improve Public Confidence Election Validity, Sen. Paul Lundeen
- HB21-1170 Advisement Committee On Elections & Information Technology, Rep. Tim Geitner
- HB21-1086 Voter Proof Of Citizenship Requirement, Rep. Stephanie Luck
- HB19-1156 Proof Of Citizenship To Register To Vote, Rep. Patrick Neville

At the national level:

- The Russia collusion attacks on the first Trump presidency were determined by the Durham investigation to be based on the discredited Steele dossier provided by the Hillary Clinton campaign. The full force of a willing FBI conducted multiple exhaustive investigations without "any actual evidence of collusion in their holdings at the commencement of the Crossfire Hurricane investigation," according to the Durham report.
- Federal government agencies held intimate influence over social media to assert politically related censorship in favor of the 2020 Biden campaign.
- The Biden Administration is currently suing Arizona to prevent a new law that would require voters to provide proof of American citizenship to cast ballots in federal elections.

The purpose of political parties is to convince citizens to cast votes their way. The appropriate involvement of government is to facilitate a sound election process — and never to advantage a preferred outcome. The Colorado State Supreme Court's championing of this frivolous lawsuit to keep the leading Republican candidate off the ballot is election interference of the highest order. And while Colorado voters rely on statesmanship for the assurance of impartiality, the Secretary of State who manages the elections openly and frequently expresses her disdain for the former president. The peoples' skepticism is founded on bright evidence.

Our current single party state government has demonstrated its willingness to leverage partisan power in every branch of government towards maintaining control over the people of Colorado. I call on my Democrat colleagues to work with us Republicans in restoring trust by assembling unbiased election processes, clean voter rolls and extreme transparency. Further, I call on Colorado voters to restore balance in our State Government beginning with the elections next November.