

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:24-cv-02499

UNITED SOVEREIGN AMERICANS, INC.; RAMEY JOHNSON; and MICHAEL CAHOON
Plaintiffs,

v.

COLORADO SECRETARY OF STATE JENNA GRISWOLD, IN HER OFFICIAL CAPACITY;
PHIL WEISER, IN HIS OFFICIAL CAPACITY AS THE ATTORNEY GENERAL OF
COLORADO; and THE COLORADO OFFICE OF THE ATTORNEY GENERAL
Defendants.

PLAINTIFFS' FIRST AMENDED COMPLAINT FOR DEPRIVATION OF RIGHTS

Plaintiff United Sovereign Americans, Inc. is a Missouri nonprofit corporation; Plaintiff Ramey Johnson is a Colorado resident and registered Colorado voter; Plaintiff Michael Cahoon is a Colorado resident and registered Colorado voter. Plaintiffs, by counsel, John S. Zakhem and Andrew C. Nickel, of the law firm Campbell, Killin, Brittan, & Ray, hereby submit this Complaint for Deprivation of Rights, against Defendants Jenna Griswold, in her official capacity as Colorado Secretary of State, and Phil Weiser, in his official capacity as Attorney General of Colorado.

Summary of Plaintiffs' Arguments and Examples of Relief Requested

1. As recognized by the Supreme Court of the United States ("SCOTUS"), "[i]t is beyond cavil that voting is of the most fundamental significance under our constitutional structure." *Burdick v. Takushi*, 504 U.S. 428, 433 (1992) (emphasis omitted). SCOTUS has also held that "[c]onfidence in the integrity of our electoral processes is essential to the functioning of our participatory democracy." *Purcell v. Gonzalez*, 549 U.S. 1, 4 (2006).

2. The Congress of the United States has outlined the minimum standards which must

be maintained by every state in order for a federal election to be considered reliable. As outlined below, in Colorado's 2022 federal election, those minimum standards were not met by State election officials, rendering the certified election results that year unreliable.

3. Unfortunately, the same failure to meet minimum standards was repeated in 2024. Thus, we have a pattern of unreliability that is being repeated every two years, and will continue to occur, thus continually depriving Plaintiffs of their constitutional right to vote every two years.

4. Defendants, in their official capacities, have failed to undertake sufficient efforts to ensure that the failures of the 2022 and 2024 elections are not repeated in subsequent federal elections, beginning in 2026.

5. The inconclusive performance of 2022 has been repeated in 2024 and is likely to continue in future elections until appropriate action is taken. Consequently, Plaintiffs and all Colorado voters have suffered damages.

6. This Honorable Court has the power to require Defendants to act to bring the 2026 (and subsequent) federal elections supervised by Colorado authorities into conformity with the minimum standards for reliability set down by Congress and outlined *infra*, guaranteeing the authenticity of all voters, votes and certified counts within the threshold set by Congress.

7. This Honorable Court also has the power to declare the rights of any interested parties to this action and prevent further deprivation of liberties and damages to the Plaintiffs and all Colorado voters.

8. Without the Court's action, Plaintiffs believe and, therefore, aver that the 2026 (and subsequent) Colorado federal election results will be unreliable in the same way, and thus unreliable for the same reasons, that the 2022 and 2024 results are unreliable.

9. Plaintiffs seek this Court's intervention to ensure that only United States citizens of at least 18 years of age, properly qualified to vote under applicable State law, appear in the official

lists of registered voters.

10. Plaintiffs seek this Court's intervention to ensure that only properly registered voters cast votes in combined federal and state elections in Colorado beginning in 2026.

11. Plaintiffs seek this Court's intervention to ensure that only votes properly cast are counted in combined federal and state elections in Colorado beginning in 2026.

12. Plaintiffs seek this Court's intervention to ensure that all votes properly cast are counted *correctly* in combined federal and state elections in Colorado in even-numbered years beginning in 2026.

13. Plaintiffs seek this Court's intervention to ensure that all voting systems are compliant with all critical infrastructure requirements under the Federal Information Security Modernization Act of 2014 (**FISMA**, 44 U.S.C. § 3541, et seq.), and the mandatory risk assessments are properly completed within the actual use context, thereby assuring that every vote is correctly and uniformly processed, authenticated with properly maintained chain of custody documentation, and the elections are accurately tabulated and secured in combined federal and state elections in Colorado beginning in 2026.

14. Plaintiffs seek this Court's intervention to ensure that combined federal and state elections in Colorado in even-numbered years beginning in 2026 are conducted with the transparency required by law, proving the authenticity of returns and thereby securing trust in Colorado elections.

15. Plaintiffs seek this Court's intervention clarifying and ordering that the currently accepted Federal definition "to certify" is *to attest that an official measurement is both accurate and the finding of accuracy was reached in a fully compliant manner*, thereby, directing that the "certification of elections" by State election officials of combined federal and state elections in Colorado from 2024 onward constitutes an "attestation," ostensibly under penalty of perjury, by the

certifying official(s), that the vote counts are accurate, and the cast and counted votes, and the election itself, were all conducted in compliance with applicable federal and state law.

16. Plaintiffs, upon review of the statutes cited below, believe and therefore aver that federal and state law specifies what State officials must conform to, *at a minimum*, to properly conduct a combined federal and state election prior to certifying that election.

17. Plaintiffs believe and therefore aver that based on the analysis below, combined with the various exhibits attached to this Complaint and incorporated by reference herein, that in the 2022 and 2024 combined federal and state election, officials of Colorado failed to ensure that **safeguards** were in place as mandated by various statutes designed to ensure the integrity of the elections.

18. Plaintiffs believe and therefore aver that the failure by State election officials to know of and implement the safeguards required by law in 2022 and 2024 allowed State election officials to certify those elections despite analysis showing the election results were *per se* unreliable on account of apparent rates of material errors and omissions exceeding those the law permits before the results in *any* federal election becomes unreliable.

19. Plaintiffs believe and therefore aver that apparent rates of material errors and omissions that exceed the maximum error rate allowed by law destroyed the integrity of the 2022 and 2024 election making full confidence in the accuracy of those elections impossible.

20. Plaintiffs believe and therefore aver that Congress mandated the maximum number of election errors that were permissible in the 2022 and 2024 combined federal and state elections in the State (and, indeed, in all states and voting territories). An error rate above the maximum permissible rate set by Congress renders an election *uncertifiable* because such results are *per se* inconclusive and unreliable. Nevertheless, State officials certified the 2022 and 2024 elections.

21. Plaintiffs believe and therefore aver that it is reasonable to believe that systemic

issues which occurred in the 2022 and 2024 combined federal and state elections in Colorado will continue uncorrected in 2026, 2028, and beyond, absent intervention by this Court.

22. Plaintiffs believe and therefore aver that they have brought the various issues with the 2022 election to the attention of State officials, all of whom failed to take sufficient action to ensure no further repeats of those issues cited here affecting the integrity of the 2022 election.

23. The relief requested by Plaintiffs is in the form of a declaratory judgment under 28 U.S.C. § 2201, seeking to declare the rights and other legal relations of the respective parties, including the legal responsibilities of the Defendants in conducting combined federal and state elections in Colorado.

24. Plaintiffs also seek relief for their deprivation of rights under 42 U.S.C. § 1983 for the undermining and usurpation of their voting rights by Defendants' repeated failure to conduct accurate elections and secure the integrity of elections in Colorado.

**2022 & 2024 Combined Federal and State Election in Colorado
Produced Unreliable Results and Should Not Have Been Certified**

25. In the Help America Vote Act ("HAVA"), 52 U.S.C.A. § 21083, Congress has mandated as follows: HAVA - voting system error rate "... (5) Error RATES.—The error rate of the voting system in counting ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter) shall comply with the error rate standards established under section 3.2.1 of the voting systems standards issued by the Federal Election Commission ("FEC") which are in effect on the date of the enactment of this Act."

26. Congress enacted HAVA and President Bush signed HAVA into law in 2002, and it remains the law of the United States to date.

27. The voting standards of the FEC in effect at the time Congress enacted HAVA in

2002 were the Voting Systems Standards Volume I: Performance Standards (2002).¹

28. Those voting standards, in effect at the time HAVA became law, allowed for one error per 500,000 ballot *positions*.

29. Plaintiffs believe and therefore aver that a federal election that exceeded an error rate of one error per 500,000 ballot *positions* renders a federal election unreliable under HAVA.

30. As the HAVA provision enacted in 2002, cited above, has not changed, the error rate of one error per 500,000 ballot *positions* is currently the law of the United States.

31. A “ballot *position*” refers to the number of individual “choices” a voter could make on a single ballot. For example, if a particular ballot has thirty little circles for the voter to fill-in or not fill-in, that single ballot would be said to contain thirty ballot *positions*.

32. A voting *system* error occurs anytime the voting scanning machine should have discerned an error, not made by the voter, while counting one of those ballot positions on a scanned ballot.

33. Experts working for the FEC estimated that 500,000 ballot *positions* equaled 125,000 *individual ballots*.²

34. Plaintiffs believe and therefore aver that the FEC desired to clarify the meaning of 500,000 ballot *positions* in terms of how many individual ballots “make-up” 500,000 ballot *positions* in order to make easier understanding the election “error rates” permissible by HAVA, giving state election officials an easier metric with which to work in discerning how many errors at

¹ As of 2021, there have been five iterations of national level voting system standards. The Federal Election Commission published the first two sets of federal standards in 1990 and 2002 (VSS1990 and VSS2002). The Election Assistance Commission then adopted Version 1.0 of the Voluntary Voting System Guidelines (VVSG 1.0, or VVSG2005) on December 13, 2005. On March 31, 2015, the EAC commissioners approved VVSG 1.1 (VVSG2015). On February 10, 2021, the EAC approved VVSG 2.0 (VVSG2021).

² (See Federal Election Commission Voluntary Voting System Guidelines of 2015, U.S. Federal Election Commission FEC. United States [Web Archive] Retrieved from the Election Assistance Commission, https://www.eac.gov/sites/default/files/eac_assets/1/28/Voting_System_Standards_Volume_I.pdf)

a maximum are permitted in any given election before that election becomes unreliable and, thus, uncertifiable.

35. Plaintiffs believe and therefore aver that the calculation made by the FEC that 500,000 ballot positions represents 125,000 individual ballots is correct and constitutes a proper interpretation of federal law and Congressional intent under HAVA.

36. In the 2022 Colorado General Election, 2,564,519 individual ballots were recorded by election officials as cast. *See*

<https://www.coloradosos.gov/pubs/elections/Results/Abstract/2022/general/turnout.html>.

37. For the 2022 General Election, then, if 2,564,519 (ballots cast) is divided by 125,000 (because the law allows for one error per 125,000 ballots), that leaves twenty-one (21), rounded up, as the maximum number of errors permitted under federal law for the 2022 election. Only upon a showing of 21 or fewer errors, then, would HAVA permit State election officials to certify the 2022 election as valid.

38. If there were more than twenty-one (21) voting system errors in the entire ballot tabulation for all ballots cast in the 2022 election in Colorado, the election results are unreliable.

39. Colorado exceeded this benchmark of twenty-one (21) voting system errors in the 2022 General Election as outlined below.

40. The same calculation can be done for the 2024 General Election, which had 3,192,745 ballots cast and counted, divided by 125,000, leaving twenty-six (26), rounded up, as the maximum number of errors permitted under federal law for the 2024 election. Only upon a showing of 26 or fewer errors, then, would HAVA permit State election officials to certify the 2024 election as valid.

41. Plaintiffs believe and therefore aver that contributing to the unreliability of the State's 2022 and 2024 elections are the fact that Colorado's voter registration rolls, themselves,

contained *hundreds of thousands* of material errors and omissions at the time of the 2022 and 2024 General Election.

42. These potential, material errors and omissions were in the form of illegal duplicate registrations, voters with invalid or illogical voter history, voters placed in inactive statuses on questionable authority, backdated registrations, registrations with a voting date prior to registration, invalid or illogical registration dates, and age-discrepant registrants.

43. Congress may not have specifically intended for these types of errors to be included in the one out of 500,000 error rate, because Congress did not anticipate that hundreds of thousands of material errors and omissions, rendering voter qualifications inconclusive, would compromise the veracity of official registration lists, as Congress desires them to be “accurate and current.” (52 U.S.C. 20501(b)(4)). Plaintiffs believe and therefore aver that this figure provides a general benchmark for what the Legislature considered an acceptable degree of error in our elections.

44. Such errors jeopardize the validity of elections throughout the State, bring doubt as to the accuracy and integrity of the State’s currently-in-place voting systems, undermine Coloradans’ collective voting rights, and reasonably undermine public trust in government, all in violation of existing state and federal election laws.

45. Plaintiffs seek redress from these voter registration apparent errors, relief from blatantly inaccurate voter registration rolls, relief from discrepancies between votes cast and actual votes reported, and relief from extreme voting errors generally, which collectively and historically amount to violations of federal election laws, Colorado election laws, and various voting rights encompassed by the United States Constitution.

46. The aforesaid violations of federal and state law have in the past resulted in the certification of election results from provably flawed, inaccurate, and obscure processes outside the view of impartial witnesses or the public, and Defendants have refused collectively to maintain or

enforce compliance with federal and state required transparency mandates.

47. Plaintiffs have complied with the notice requirements set forth in 52 U.S.C. § 2051(b). Prior to filing this action, Plaintiffs have brought this issue to the attention of Defendants, who have done nothing to address these errors or ensure future elections will not suffer from the same deficiencies. See attached **Exhibit A**, copies of notices sent by United Sovereign Americans to Secretary of State Griswold and Attorney General Phil Weiser.

48. Furthermore, rather than be alarmed by these apparent errors pursuant to prevailing election laws, Defendants instead have collectively ignored the issue of the unreliable election results therefore produced.

49. Consequently, the same inaccuracies that plagued the 2022 election have been repeated in the 2024 election.

50. Plaintiffs believe and therefore aver that Defendants have failed to adequately police and monitor problems with the voter rolls and failed to adequately fix voting registration errors within the State, despite being responsible for ensuring the reliability, integrity, and accuracy of Colorado's elections to ensure veracity of the State's election results.

51. Plaintiffs have made good faith and sincere efforts to negotiate and convince Defendants to address these concerns.

52. Plaintiffs have repeatedly shown Defendants evidence of potential violations of election law, regarding the conduct of elections by local and state officials charged with administering elections, on behalf of all citizens in accordance with the law.

53. The risk of election subversion is indisputable, but the State has denied Plaintiffs a fair hearing, despite the serious nature of Plaintiffs' findings calling into question the reliability, integrity and accuracy of prior federal elections administered by the State, and certified by defendants.

54. The prayer for relief seeks the protection of Plaintiffs' rights, as well as those of every voting citizen of the State, to have their vote fairly counted in an open and reliable election as such elections are defined according to law as outlined below.

55. Defendants have denied Plaintiffs' members their right to a fair vote.

56. Plaintiffs believe and therefore aver that Defendants have violated multiple federal and state laws or negligently allowed such violations to occur.

57. Defendants' collective actions in refusing to address the problem extinguishes and undermines the very meaning of the right to vote in a fair representative democracy.

58. Consequently, Plaintiffs believe and therefore aver that Defendants have deprived Plaintiffs of their right to vote by conducting unreliable and inaccurate elections.

59. Defendants can and should be compelled to address compliance with existing election law. Specifically: compelled to adequately investigate the issues, prosecute anyone in violation of federal and/or state law, and actively work to bring the State back into compliance with federal and state election law mandates, so that Colorado's constitutionally enshrined voting rights are upheld and preserved.

60. The Declaratory Judgment Act, 28 U.S.C. § 2201, provides that "[i]n a case of actual controversy within its jurisdiction, ... any court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such."

61. Under 42 U.S.C. § 1983, "[e]very person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws,

shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable."

62. The fundamental right to vote is "secured by the Equal Protection Clause of the Fourteenth Amendment," *Schilling v. Washburne*, 592 F. Supp. 3d 492, 497 (W.D. Va. 2022) (see also *Oregon v. Mitchell*, 400 U.S. 112, 138-39 (1970)).

63. The Voting Rights Act states that, "no person acting under color of law shall deny the right of any individual to vote in any election because of an error or omission on any record or paper relating to any application, registration, or other act requisite to voting, if such error or omission is not material in determining whether such individual is qualified under State law to vote in such election." 52 U.S.C. 10101(a)(2)(B).

64. Conversely, allowing registrations with material errors and omissions to vote equally to valid registrants abridges the votes of qualified voters, compromising the integrity of elections through nonuniform process resulting in apparently arbitrary vote dilution.

65. District Courts of the United States have original jurisdiction over all civil actions arising under the Constitution, laws, or treaties of the United States. 28 U.S.C. § 1331.

Parties

66. Plaintiff United Sovereign Americans, Inc., is a nonprofit corporation incorporated in the state of Missouri. United Sovereign American's is a non-partisan effort to ensure fair, transparent and honest elections through education, outreach, advocacy, data collection, investigations, enforcement of election law, litigation regarding election and related matters. See **Exhibit B**, Articles of Incorporation of a Nonprofit Corporation. United Sovereign Americans is not a member organization, but instead is made up of volunteers across the United

States, including Colorado.

67. Plaintiff Ramey Johnson is a resident of the state of Colorado and a registered voter in Jefferson County, Colorado. Ms. Johnson has voted and intends to vote in the County in the 2026 Election. Ms. Johnson was the Republican candidate for Colorado State House District 30 in the 2024 General Election. Ms. Johnson is a volunteer of United Sovereign Americans in Colorado.

68. Plaintiff Mike Cahoon is a resident of the state of Colorado and a registered voter in Douglas County, Colorado. Mr. Cahoon has voted and intends to vote in the County in the 2026 Election. Mike Cahoon is a volunteer of United Sovereign Americans in Colorado.

69. Defendant Jenna Griswold, in her Official Capacity as the Secretary of State of Colorado, is Colorado's chief State election official. 52 U.S.C. § 20509; COLO. REV. STAT. § 1-1- 107(1)(d), (e). As chief State election official, Defendant Griswold is responsible for overseeing and managing the Office of the Secretary of State, which is a government agency tasked with supervising elections, maintaining statewide voter registration file, overseeing elections in Colorado, administering the Colorado Election Code and Voter Registration Laws, and ensuring compliance with state and federal election laws, including the Voting Rights Act, the Help America Vote Act, the Federal Information Security and Modernization Act, and the National Voter Registration Act.

70. Defendant Phil Weiser, in his Official Capacity as the Attorney General of Colorado, is responsible for overseeing and managing the Office of the Attorney General of Colorado, which is a government agency tasked with the enforcement and prosecution of state law in addition to ensuring that state actors, including those acting within the Colorado Secretary of State, are complying with Colorado law. Pursuant to C.R.S. § 1-41-201, *et. seq.*, the Attorney General has the power to enforce the voting rights act and ensure all Coloradans have the right

to vote.

Jurisdiction and Venue

71. This Court additionally has subject matter jurisdiction over this complaint because the case presents substantial questions of federal law, and the state claims are so related to the federal claims that they form part of the same case or controversy. 28 U.S.C. §§ 1331 and 1367.

72. This Court has personal jurisdiction as the Defendants are a collection of State of Colorado agencies and actors, and the State of Colorado is within the jurisdiction of the United States.

73. “When a state exercises power wholly within the domain of state interest, it is insulated from federal judicial review. But such insulation is not carried over when state power is used as an instrument for circumventing a federally protected right.” *Gray v. Sanders*, 372 U.S. 368 (1963); *Gomillion v. Lightfoot*, 364 U.S. 347 (1960).

74. “The authority of Congress to protect the poll books which contain the vote for a member of Congress from the danger which might arise from the exposure of these papers to the chance of falsification or other tampering is beyond question.” *In re Coy*, 127 U.S. 731 (1888).

75. Venue is proper in this district under 28 U.S.C. § 1391(e)(1).

Standing

76. Plaintiffs extracted data from Colorado’s statewide voter registration database and uncovered numerous registration and voting violations. In particular, Plaintiffs discovered that for the 2022 election:

- a. 7,390 votes were cast by voters with illegal duplicate registrations;
- b. 4 votes were cast by voters an effective date before the registration date;
- c. 58,324 votes were cast by voters whose first date of casting a vote was done before the date of their registration;

- d. 20 votes were cast by voters who were registered as being older than 115 years old;
- e. 820 votes were cast by voters who registered to vote on January 1 – which is a Federal holiday and a day when state offices are closed;
- f. 10 votes were cast by voters with backdated registrations;
- g. 63 votes were cast by voters who did not appear on the voter roll as of December 2022, but somehow nevertheless cast a ballot in November 2022;
- h. Between December 2022 and November 2023, 279 votes in the November 2022 election were added;
- i. Between December 2022 and November 2023, 35,112 votes in the 2022 Election were deleted.

77. Plaintiffs extracted data from Colorado's statewide voter registration database and uncovered numerous registration and voting violations. In particular, Plaintiffs discovered that for the 2024 election:

- a. 5,084 votes were cast by voters with illegal duplicate registrations;
- b. 2 votes were cast by voters with an effective date before the registration date;
- c. 44,863 votes were cast by voters whose first date of casting a vote was done before the date of their registration;
- d. 395 votes were cast by voters who registered to vote on January 1 – which is a Federal holiday and a day when state offices are closed;
- e. 1,672 votes were cast by voters who did not appear on the voter roll as of December 2024, but somehow nevertheless cast a ballot in November 2024;
- f. 34,223 fewer votes were counted than voters who participated, according to the voter history;

78. Plaintiffs have been and are currently harmed by the voting systems presently

and formerly in use in Colorado's state and federal elections. Defendants have allowed, and continue to allow, violations of federal election laws, Colorado election laws, the United States Constitution, and federal civil rights laws pertaining to voter rights.

79. The violations of Colorado's election laws, federal election laws, the U.S. Constitution, and federal civil rights laws pertaining to voter registration rolls, transparency, compliance, and certification of the voting systems, and the serious issues hereinafter discussed with the overall voting systems exemplify Plaintiffs' injury.

80. The injury to Plaintiffs and all Colorado voters would cease to exist, or be greatly relieved, if the Court grants Plaintiffs' requested relief.

81. The Supreme Court has indicated that if one party to a lawsuit has standing, other entities can join as parties without having to independently satisfy the demands of Article III, provided those parties do not seek a distinct form of relief from the party with standing. *See Horne v. Flores*, 557 U.S. 433, 446-47 (2009) ("because the superintendent has standing, the Court need not consider whether the Legislators also have standing"); *Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S. 252, 264 ("we have at least one individual plaintiff who has demonstrated standing...because of the presence of this plaintiff, we need not consider whether the other individual and corporate plaintiffs have standing to maintain the suit").

82. As demonstrated above, the individual Plaintiffs have standing due to suffering an injury in fact which is traceable to the Defendants, and which will be redressed by a favorable decision of this Court.

83. United Sovereign Americans has organizational standing due to the injuries suffered by its volunteers in Colorado, which are fairly traceable to the Defendants' conduct, and a favorable judicial decision will redress these injuries.

Background

A. THE CONSTITUTIONALLY PROTECTED RIGHT TO VOTE

84. The United States Constitution grants the people the right to choose their representatives from among the people of the several states, according to the voting eligibility requirements of the state. U.S. Const. art. 1, § 2.

85. The 14th Amendment of the United States Constitution, Section 1, defines a “citizen” as all people born or naturalized in the United States and subject to the jurisdiction thereof.

86. The 14th Amendment of the United States Constitution, Section 2, protects eligible citizen voters against denial or abridgment of their vote.

87. “The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury.” *Marbury v. Madison*, 5 U. S. 137 (1803).

88. Federal courts regard the right to vote in a fairly conducted election as a constitutionally protected feature of United States citizenship. *Reynolds v. Sims*, 377 U.S. 533, 554-55 (1964).

89. After the 2020 Presidential Election, pervasive discussion reported on by the media focused on the validity of the presidential election results within the State of Colorado.

90. Discussions and/or litigation in Colorado, as well as in other states around the Nation, centered on whether raw vote totals were accurate, with particular attention focused on the question: if all ballots in dispute were decided, hypothetically, in the favor of one candidate for president over the other, would that have *changed the outcome* of the election in that state?

91. That question concerned whether the recorded vote totals, viewed in the light most favorable to the losing candidate in any given state, *could* have affected the awarding of

electoral votes from said state, which, in turn, *might* have affected the determination of the “winner” of the elections for president and vice-president in the Electoral College.

92. The media widely reported that no court ruled that, even if all disputed ballots were assumed to have been found to be favorable to the Republican Candidate during the 2020 presidential election, the outcome in any disputed state would have been affected. Furthermore, there was insufficient evidence produced such that a court could find that the outcome of the election in any disputed state was unreliable.

93. Plaintiffs posit: ***How many disputed ballots found to be improperly cast in any given federal election may occur before the reliability and integrity of the entire election becomes suspect?*** Plaintiffs respectfully represent that Congress has answered this very question as outlined further below and Congress’ answer to this question forms much of the basis of the instant Complaint.

94. In *In re: Coy*, 127 U.S. 731 (1888), the United States Supreme Court held that Congress had authority under the Constitution’s Necessary and Proper Clause to regulate any activity during a mixed federal/state election that exposed the federal election to potential harm, whether that harm materialized or not. *Coy* has not been overturned and remains good law throughout the country. See *United States v. Slone*, 411 F.3d 643, 647 (6th Cir. 2005); *United States v. Mason*, 673 F.2d 737, 739 (4th Cir. 1982); *United States v. Malmay*, 671 F.2d 869, 874-75 (5th Cir. 1982).

95. In *Oregon v. Mitchell*, the Supreme Court stated:

The right to vote is, of course, different in one respect from the other rights in the economic, social, or political field which, as indicated in the Appendix to this opinion, are under the Equal Protection Clause. The right to vote is a civil right deeply embedded in the Constitution. Article I, § 2, provides that the House is composed of members ‘chosen . . . by the People’ and the electors ‘shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.’ The Seventeenth Amendment states that Senators shall be ‘elected by the people.’ The Fifteenth

Amendment speaks of the ‘right of citizens of the United States to vote’ -- not only in federal but in state elections.

* * *

[T]he right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government. This ‘right to choose, secured by the Constitution,’ *United States v. Classic*, 313 U. S. 299, is a civil right of the highest order. Voting concerns ‘political’ matters; but the right is not ‘political’ in the constitutional sense. Interference with it has given rise to a long and consistent line of decisions by the Court; and the claim has always been upheld as justiciable.

Oregon v. Mitchell, 400 U.S. 112, 138-39 (1970).

96. Justice Harlan also stated the following in his concurring opinion:

[A]s the right in the people of each State to a republican government to choose their Representatives in Congress is one of the guarantees of the Constitution, by this amendment a remedy might be given directly for a case supposed by *Madison*, where treason might change a State government from a republican to a despotic government, and thereby deny suffrage to the people.

Id. at 185 (Harlan, J., concurring in part).

97. The Supreme Court further stated: “we are cautioned about the dangers of entering into political thickets and mathematical quagmires. Our answer is this: a denial of constitutionally protected rights demands judicial protection; our oath and our office require no less of us.” *Reynolds v Sims*, 377 U.S. 533, 566 (1964).

98. “Every voter in a federal...election...whether he votes for a candidate with little chance of winning or for one with little chance of losing, has a right under the Constitution to have his vote fairly counted, *without its being distorted by fraudulently cast votes.*” *Anderson v. United States*, 417 U.S. 211, 227 (1974) (emphasis added).

B. NATIONAL VOTER REGISTRATION ACT (“NVRA”)

99. The National Voter Registration Act (“NVRA”) was passed for the purpose of ensuring accurate and current voter registration rolls to enhance the integrity of elections.

100. In so doing, Congress found that: (1) the right of citizens of the United States

to vote is a fundamental right; (2) it is the duty of the Federal, State, and local governments to promote the exercise of that right; and (3) discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation in elections for Federal office and disproportionately harm voter participation by various groups, including racial minorities. 52 U.S.C. § 20501.

101. The NVRA exists in part to “protect the integrity of the electoral process” and “to ensure that accurate and current voter registration rolls are maintained.” 52 U.S.C. § 20501.

102. The NVRA *requires* states to “conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters” by reason of death or change of address. 52 U.S.C. § 20507(a)(4).

103. Similarly, the U.S. Election Assistance Commission (“EAC”) is required by law to report to Congress its findings related to state voter registration practices. 52 U.S.C. § 20508(a)(3).

104. Federal regulations require states to provide data to the EAC for use in their reports, including the numbers of active voters, and the numbers of registered voters removed from the rolls for any reason. 11 C.F.R. § 9428.7(b)(1), (2), (5).

105. The NVRA requires the States to complete any program the purpose of which is to remove ineligible voters from the official lists of eligible voters not later than ninety (90) days prior to an election.

106. NVRA has two (2) methods of enforcement. First, the Attorney General can petition the court for declaratory and injunctive relief. Second, a private citizen can pursue a cause of action with certain requirements as follows: In a private action, notice is required, in that a person must notify the chief election official of the State involved. If the violation is not

corrected within 90 days of receipt of the notice or within 20 days after receipt of the notice, if the violation occurred within 120 days before the date of an election for office, the aggrieved person may bring a civil action in an appropriate district court seeking relief. In the alternative, if the violation occurs 30 days before the date of an election for federal office, no notice is required. 25 USC § 20510.

107. To what extent the NVRA requires a hypothetical plaintiff to have suffered injury is not entirely clear – standing could be a troublesome burden to prove, particularly if the harm, such as voter fraud and dilution, has been committed on a class of people, or the electors as a whole, rather than on an individual person.³

108. Furthermore, a Court could attempt to use the doctrine of laches to avoid the distasteful task of questioning election officials, inquiring into potentially fraudulent elections, and inaccurate voting rolls, despite a hypothetical single plaintiff being in full compliance with the private NVRA notice requirements.

109. Congress’s power to pass the NVRA comes from Article I, Section 8, Clause 18 of the United States Constitution, the Necessary and Proper Clause, making accurate voter rolls a requirement to uphold the right of the people who meet state and federal qualifications to choose their representatives.

110. Plaintiffs seek to bring a private cause of action under NVRA.

C. HELP AMERICA VOTE ACT (“HAVA”)

111. The Help America Vote Act (“HAVA”) exists in part to “establish minimum election administration standards for States and units of local government with responsibility for

³ Plaintiffs suggest it is unlikely Congress intended to require individual standing in cases where mass violations of the NVRA occur due to widespread errors. Plaintiffs aver it is much more likely Congress intended organized groups of voters to bring private actions under such circumstances under an “organizational standing” theory.

the administration of Federal elections, and other purposes.” H.R. 3295 (2002).

112. HAVA requires that *voter roll databases* contain only the registrations of qualified citizen voters residing in that state. 52 U.S.C.A. § 21083(a).

113. HAVA determines that, “The computerized list shall serve as the single system for storing and managing *the official list of registered voters* throughout the State.” 52 U.S.C. 21083(a)(1)(A)(i) (emphasis added).

114. HAVA defines a *voting system* as “the total combination of mechanical, electromechanical, or electronic equipment (including software, firmware, and documentation required to program, control, and support the equipment) that is used to define ballots; to cast and count votes; to report or display election results; and to maintain and produce any audit trail information.” 52 U.S.C.A. § 21081(b).

115. The purpose of any voting system is to accurately record, store, consolidate, and report the specific selections, and absence of selections, made by the voter as well as to accurately measure the intent of the total body of eligible voters that voted.

116. Plaintiffs believe and therefore aver that the ability to “cast and count votes” begins with establishing eligibility and registering only qualified citizens into voter registration databases, thus assuring that all ballots granted, cast, and counted, are lawful.

117. Plaintiffs believe and therefore aver that inaccurate voter rolls containing registrations with material errors and omissions have significant negative consequences in elections.

118. Per HAVA, in any given state, each qualified voter is granted a unique statewide identifier in a database, which averts the risk of double-voting or extra ballots being cast in the name of one individual voter.

119. HAVA furthermore requires that federal elections adhere to an accuracy standard established by the FEC through Section 3.2.1 of its Voting System Standards (2002), which states

in relevant part that error rates are “...set at a sufficiently stringent level such that the likelihood of voting system errors affecting the outcome of an election is exceptionally remote even in the closest of elections.” United States (2002) *U.S. Federal Election Commission FEC*. United States [Web Archive] Retrieved from the Election Assistance Commission, https://www.eac.gov/sites/default/files/eac_assets/1/28/Voting_System_Standards_Volume_I.pdf (emphasis added).

120. Accuracy in a voting system is defined as the ability of the system to capture the intent of voters without error. United States. (2002) *U.S. Federal Election Commission FEC*. United States [Web Archive] Retrieved from the Election Assistance Commission, https://www.eac.gov/sites/default/files/eac_assets/1/28/Voting_System_Standards_Volume_I.pdf

121. Section 301 of HAVA regarding “Voting System Standards,” states that the “error rate of [a] voting system in counting ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter) shall comply with the error rate standards established under section 3.2.1 of the voting systems standards issued by the Federal Election Commission.” 52 U.S.C.A. § 21081(a)(5).

122. Plaintiffs asks this court recall that, the FEC voting systems standards of section 3.2.1 establish that “the system shall achieve a target error rate of no more than **one in 10,000,000 ballot positions, with a maximum acceptable error rate in the test process of one in 500,000 ballot positions.**” *See supra.* at 33 (emphasis added).

123. The Voluntary Voting System Guidelines (“VVSG”), Version 1.1, Section 4.1.1 Accuracy Requirements state, in part, “[a]ll systems shall achieve a report total error rate of **no more than one in 125,000.**” Furthermore, “[t]he benchmark of one in 125,000 is derived from the ‘maximum acceptable error rate’ used as the lower test benchmark in the 2005 Voluntary Voting System Guidelines Version 1.0. That benchmark was defined as a ballot position error rate

of one in 500,000. The benchmark of one in 125,000 is expressed in terms of votes, however, it is consistent with the previous benchmark that the estimated ratio of votes to ballot positions is $\frac{1}{4}$.” United States (2015) *U.S. Election Assistance Commission*. United States [Web Archive] Retrieved from the Election Assistance Commission, https://www.eac.gov/sites/default/files/eac_assets/1/28/VVSG.1.1.VOL.1.FINAL1.pdf.⁴

124. Other courts have held that a private cause of action, as sought here, exists for HAVA violations through 42 U.S.C. § 1983. *Colon-Marreror v. Velez*, 813 F.3d 1, 22 (1st Cir. 2016) (finding a private action under 1983 for HAVA violations because the provision provided enforceable voting rights and imposes binding obligations on state officials).

125. §1983 provides a mechanism for enforcing individual rights secured elsewhere as in rights independently secured by the Constitution and laws of the United States. *Gonzaga University v. Doe*, 536 U.S. 273 (2002). Importantly, a §1983 plaintiff must assert a violation of a federal right, not just a law. *Blessing v. Freestone*, 520 U.S. 329 (1997).

126. §1983 is currently the only mechanism where HAVA violations will receive any meaningful private review.

127. Congress’ power to pass HAVA comes from Article I, Section 8, Clause 18 of the United States Constitution, the Necessary and Proper Clause, making accurate voting systems a requirement to uphold the right of the people to choose their representatives.

COLORADO ELECTION LAWS

128. Per Colorado Revised Statutes, C.R.S. § 1-1-107, the Colorado Secretary of State is, among other things, required to do the following:

- a. To supervise the conduct of primary, general, congressional vacancy, and statewide

⁴ In the latest version of the VVSG, or VVSG 2.0, the EAC adopted the position that “the value of 10,000,000 ballot positions is taken from VVSG 1.0 [VVSG2005]; however, it is used here as the minimum number of ballot positions to test without error. *If a larger number of ballot positions is used, there still can be no error.*” (emphasis added).

ballot issue elections in this state;

- b. To enforce the provisions of the Colorado Election Code;
- c. With the assistance and advice of the attorney general, to make uniform interpretations of the Colorado Election Code;
- d. To serve as the chief state election official within the meaning of the federal “Help America Vote Act of 2002”, 52 U.S.C. 20901 et seq., and, in that capacity, to coordinate the responsibilities of the state of Colorado under the federal act in accordance with the requirements of the Colorado election code.

C.R.S. § 1-1-107(a)-(e).

129. Colorado law requires that the Colorado Secretary of State implement...a single, uniform, official, centralized, interactive, computerized statewide voter registration system defined, maintained, and administered at the state level. C.R.S. § 1-2-301.

130. The statewide voter registration system is commonly referred to as “SCORE”.

C.R.S. § 1-1-104(46.7).

131. Per C.R.S. § 1-2-301, SCORE is required to do the following:

- a. Enable county clerk and recorders to maintain voter registration information;
- b. Remove the names of voters who are not registered or who are not eligible to vote from the statewide voter registration list;
- c. Remove duplicate names from the statewide voter registration list;
- d. Identify electors by name, place of residence, precinct number, date of birth, Colorado driver’s license number, social security number, or other identification number, as such numbers may have been provided by the elector at the time the elector first registered to vote, and the date of registration.

132. Colorado Statute requires voters to be eighteen years of age by the date of the

next election, a citizen of the United States, and has resided in Colorado for twenty-two days immediately prior to the election. C.R.S. § 1-2-101(a)-(b).

133. Colorado Statute makes it a felony to knowingly give false information regarding the elector's place of present residence. C.R.S. § 1-13-709.5.

134. Colorado Statute also makes it a felony to vote in any election provided by law knowing that such person is not entitled to vote in such election. C.R.S. § 1-13-704.5.

135. Colorado statute makes it a misdemeanor for an election judge to willfully permit any person to vote who is not entitled to vote. C.R.S. § 1-13-704.

136. Colorado statute makes it a misdemeanor to falsely personate any elector and vote in any election under the name of such elector. C.R.S. § 1-13-705.

137. Plaintiffs believe and therefore aver that the State cannot demonstrate effective control over voter eligibility in conformity with federal or state requirements, and the State has implemented a system that does not guarantee accuracy or compliance with legal mandates requiring the State to ensure that only eligible voters may register and vote.

D. ELECTION FRAUD CONGRESS SOUGHT TO GUARD AGAINST

138. Plaintiffs' purpose in describing types of voter fraud is to set forth the harms Congress sought to avoid by implementation of HAVA and NVRA, as well as the various statutes passed by the Colorado General Assembly and cited above.

139. Plaintiffs believe and therefore aver that election fraud can occur in multiple diverse ways, not all of which are individualized to a specific actor.

140. Plaintiffs believe and therefore aver that over the past fifty years, Congress has enacted criminal laws with broad jurisdictional basis to combat false voter registrations, vote-buying, multiple-voting, and fraudulent voting in elections in which a federal candidate is on the ballot. *See* 52 U.S.C. §§ 10307(c), 10307(e), 20511.

141. The federal jurisdictional predicate underlying these statutes is satisfied as long as either the name of a federal candidate is on the ballot, or the fraud involves corruption of the voter registration process in a state where one registers to vote simultaneously for federal as well as other offices. *Slone*, 411 F.3d at 647–48; *United States v. McCranie*, 169 F.3d 723, 727 (11th Cir. 1999).

142. Voting in federal elections for individuals who do not personally participate in, and assent to, the voting act attributed to them, or impersonating voters, or casting ballots in the names of voters who do not vote in federal elections, can constitute prosecutable election fraud. *See* 52 U.S.C. §§ 10307(c); 10307(e); 20511(2).

143. It is *possible* for election officials acting “under color of law” to commit election fraud by performing acts such as diluting ballots with invalid ones, rendering false tabulations of votes, or preventing valid voter registrations or votes from being given effect in any election, federal or non-federal (18 U.S.C. §§ 241, 242), as well as in elections in which federal candidates are on the ballot. *See* 52 U.S.C. §§ 10307(c), 10307(e), 20511(2).⁵

144. An individual commits election fraud by submitting fictitious names to election officers for inclusion on voter registration rolls, thereby qualifying the fictitious name to vote in federal elections. 52 U.S.C. §§ 10307(c), 20511(2).

145. An individual commits election fraud by knowingly procuring eligibility to vote for federal office by people who are not entitled to vote under applicable state law and/or people who are not Citizens of The United States. 52 U.S.C. §§ 10307(c), 20511(2); 18 U.S.C. §§ 1015(f).

146. An individual who makes a false claim of United States’ Citizenship to register to vote commits election fraud. 18 U.S.C. § 1015(f); 18 U.S.C. § 911.

147. A person who provides false information concerning a person’s name, address, or

⁵ A reason Congress, especially in HAVA, set forth standards that must be met before an election is considered reliable is to counter potential election fraud and to thus produce presumptively reliable election results.

period of residence in a voting district to establish voting eligibility commits election fraud. 52 U.S.C. §§ 10307(c), 20511(2).

148. Fraud can occur where an individual causes the production of voter registrations that qualify alleged voters to vote for federal candidates, where that individual knows the registrations are materially defective under applicable state law. 52 U.S.C. § 20511(2).

149. However, election fraud need not involve the participation of individual voters. Election fraud can occur where an individual or organization places fictitious names on voter rolls (allowing for fraudulent ballots which can later be used to stuff the ballot box, *supra.*), casting fake ballots in the names of people who did not vote, obtaining and marking absentee ballots without the input of the voter involved, and falsifying vote tallies.

150. When the federal government seeks to maintain the integrity of elections, it does so for specific federal interests *inter alia*: (1) the protection of the voting rights of racial, ethnic, or language minorities, a specific constitutional right; (2) the registration of voters to vote in federal elections; (3) the standardization and procurement of voting equipment purchased with federal funds; (4) the protection of the federal election process against corruption; (5) the protection of the voting process from corruption accomplished under color of law; and (6) the prevention of non-citizen and other voting by persons ineligible to vote under applicable state law. Richard C. Pilger, *Federal Prosecution of Election Offenses*, p. 30, 8th Edition (2017).

151. Congress has enacted a litany of specific crimes that can be prosecuted under a general definition as “election fraud,” including:

- a. 18 U.S.C. § 241 – Conspiracy Against Rights. *See United States v. Saylor*, 322 U.S. 385 (1944) (stuffing a ballot box with forged ballots); *United States v. Classic*, 313 U.S. 299 (1941) (preventing the official count of ballots in primary elections); *United States v. Townsley*, 843 F.2d 1070, 1073–75 (8th Cir. 1988) (destroying ballots); *United States v. Morado*, 454 F.2d 167, 171 (5th Cir. 1972) (casting absentee ballots in elderly or handicapped peoples’ names); *Crolich v. United States*, 196 F.2d 879, 879 (5th Cir. 1952) (impersonating qualified voters); *United States v. Colvin*, 353 F.3d 569, 576 (7th Cir. 2003) (conspiracy

need not be successful nor need there be an overt act).

- b. 18 U.S.C. § 242 – Deprivation of Rights under Color of Law. *See United States v. Price*, 383 U.S. 787 (1966) (acted jointly with state agents); *Williams v. United States*, 341 U.S. 97 (1951) (actions clothed under Color of State Law).
- c. 52 U.S.C. § 10307(c) – False Information in, and Payments for, Registering and Voting.⁶
- d. 52 U.S.C. § 10307(e) – Voting More than Once.
- e. 52 U.S.C. § 20511(2) – Fraudulent Registration or Voting.
- f. 18 U.S.C. § 1015(f) – False claims to Register or Vote.
- g. 18 U.S.C. § 1341 – “Cost-of-Election” theory.
- h. 52 U.S.C. § 20701 – Improper Retention of Federal Election Returns.

152. In short, election fraud can constitute numerous different actions or inactions, and federal and state governments of the United States have a duty in guarding the integrity of elections, and ensuring election fraud is stopped, then prosecuted appropriately.

Facts and Summary of the Issues

153. Plaintiff United Sovereign Americans reviewed Colorado’s voter registration data from the 2022 and 2024 general election, including the data which contained millions of entries of voter registration information purportedly for Colorado’s voters.

154. Thereafter, Plaintiff Cahoon, acting on behalf of Plaintiff United Sovereign Americans performed a series of SQL database queries on the data to extrapolate and refine information about voter registrations in the State. *See Exhibit C* for a copy of the SQL Database Queries.

155. Thereafter, Plaintiff United Sovereign Americans thoroughly reviewed the results.

⁶ “Section 10307(c) protects two distinct aspects of a federal election: the actual results of the election, and the integrity of the process of electing federal officials.” *United States v. Cole*, 41 F.3d 303, 307 (7th Cir. 1994).

156. United Sovereign Americans' SQL database queries revealed thousands of apparent voter registration material errors and omissions in the State of Colorado. *See Infra*.

157. The results from the SQL database queries allowed Plaintiffs to produce a "Scorecard" reflecting Colorado's voter registration data, detailing the thousands of apparent errors contained within that registration data. *See Exhibit D* and *Exhibit F* for copies of United Sovereign Americans' Colorado 2022 and 2024 General Election Validity Scorecards, respectively.

158. In addition, the results from the SQL Database Queries of Colorado's voter registration data allowed Plaintiffs' experts to compile a General Election Validity Reconciliation. *See Exhibit E* and *Exhibit G* for copies of United Sovereign Americans' Colorado 2022 and 2024 General Election Validity Reconciliations, respectively.

159. According to the data provided to Plaintiffs, for the 2022 election, Colorado had 4,345,130 voter registrations.

160. The same process was followed when examining the results of the 2024 election. According to the data provided to Plaintiffs, for 2024, Colorado had 4,583,928 voter registrations.

A. VOTER REGISTRATION ROLL INACCURACY

161. Analysis by Plaintiffs of the official Colorado State Voter Registration Data for the 2022 election revealed that, out of 4,345,130 voter registrations, there was a total of **1,467,389** voter registration violations, including:

- 13,586 illegal duplicates, where the same voter has multiple registrations.
- 12 voter registrations with an effective date before the registration date.
- 1,318 voter registrations done on January 1, a state holiday.
- 34,576 backdated registrations.
- 146 registrations for voters older than 115-years-old.

- 1,068,177 voter registrations with a first-voted date prior to the registration date.
- 310,000 voter registrations that have not voted in at least two Federal Elections.

See **Exhibit D** for a copy of United Sovereign American's Colorado 2022 General Election Validity Scorecard.

162. Analysis by Plaintiffs of the Colorado State Voter Registration Data for the 2024 election revealed that, out of 4,583,928 voter registrations, there was a total of 1,341,406 voter registrations violations including:

- 14,848 illegal duplicates, where the same voter has multiple registrations.
- 9 voter registrations with an effective date before the registration date.
- 1,459 voter registration done on January 1, a state holiday.
- 33,421 backdated registrations carrying votes for the 2024 primary election.
- 14 registrations for voters older than 111-years-old.
- 628,239 voter registrations with a first-voted date prior to the registration date.
- 15,216 voter registrations that have not voted in at least two Federal Elections.
- 644,453 voters who voted in the 2024 primary yet had their votes subsequently deleted from the voting history record.

See **Exhibit F** for a copy of the United Sovereign American's Colorado 2024 General Election Validity Scorecard.

163. This data shows that in 2022 and 2024 voter rolls in Colorado were not accurate and current as required by NVRA, HAVA, nor in conformity with specific Colorado laws pertaining to voter registration. 52 U.S.C.A. § 20501(b)(4); 52 U.S.C.A. § 21081; and C.R.S. § 1-1.5-101 et seq.

164. Thus far, Plaintiffs have exhausted every remedy known to them in advance of the 2026 general election to have these issues corrected.

165. Defendants have ignored Plaintiffs' concerns and based on information and belief, did so without any meaningful review, action, or response.

166. Plaintiffs believe and therefore aver that Defendants intend to administer and ultimately certify Colorado's 2026 general election and subsequent federal elections (involving

both state and federal contests) using the same inaccurate and flawed data and conditions.

B. VOTES FROM INELIGIBLE VOTERS

167. Plaintiffs' analysis of the official Colorado State Voter Registration Data for the 2022 election revealed that, out of the votes cast in the 2022 general election, there were a total of 102,018 evident voting violations, and 100,693 *unique* votes impacted by apparent voting violations.⁷ These violations were in the form of:

- **7,386** Duplicates, where the same voter has multiple registrations.
- **58,324** Vote history invalid or illogical.⁸
- **820** Invalid or illogical registration dates.⁹ **20** Age discrepant registrants.¹⁰
- **35,391** Registrants with altered votes after certification.

See **Exhibit D** for a copy of Plaintiff United Sovereign American's Colorado 2022 General Election Validity Scorecard.

168. Plaintiffs' analysis of the official Colorado State Voter Registration Data for the 2024 election revealed that, out of the votes cast in the 2024 general election, there were a total of 52,016 evident voting violations, and 51,903 *unique* votes impacted by apparent voting violations.¹¹ These violations were in the form of:

- **5,084** Duplicates, where the same voter has multiple registrations.
- **44,863** Vote history invalid or illogical.
- **395** Invalid or illogical registration dates.
- **1,672** Votes recorded in voter history not properly correlated to the voter roll.

See **Exhibit F** for a copy of Plaintiff United Sovereign Americans' Colorado 2024 General Election Validity Scorecard.

169. Plaintiffs believe and therefore aver that this data shows that in 2022 and 2024,

⁷ Some registered voters have more than one violation. The number of unique voters indicates how many individual registrations have apparent errors – whether it be one or multiple apparent errors.

⁸ Voter cast ballot before registration date; voted before appearing in voter roll.

⁹ Registration effective date predates date of registration; registered on Federal holiday; backdated registration.

¹⁰ Registrants older than the age of one hundred fifteen (115), the age of the oldest living person in America.

¹¹ Some registered voters have more than one violation. The number of unique voters indicates how many individual registrations have apparent errors – whether it be one or multiple apparent errors.

the voter rolls in Colorado were not accurate and current as required by the VRA, NVRA, HAVA, and specific Colorado laws pertaining to voter registration. 52 U.S.C.A. § 20501(b)(4); 52 U.S.C.A. § 21081; C.R.S. § 1-1.5-101 et seq.

170. Thus far, Plaintiffs have exhausted every remedy known to them in advance of the 2026 general election to have these issues, and all issues raised below, addressed and remedied. Plaintiffs continued in 2026 to seek redress and repair for these egregious violations through democratic means.

171. Defendants have ignored or dismissed, and continue to ignore or dismiss, these concerns without apparent meaningful review, action, or response, and furthermore Plaintiffs believe and therefore aver Defendants intend to administer and certify Colorado's 2026 (and subsequent) general election(s) (involving both state and federal contests) under the same inaccurate and flawed conditions as that have utilized in 2022 and 2024 in conducting Colorado's combined federal and state elections.

172. Plaintiffs took a further step in 2025 to "double-check" their concerns about whether the facially apparent violations of registration and voting rights laws were, in fact, material. Plaintiffs endeavored to measure, on a prevalence basis, the percentage of voters whose votes were counted in the 2024 general election whose identities could be verified.

173. Using NIST randomization standards and processes, Plaintiff United Sovereign Americans extracted a sample of 608 voters who voted in Jefferson County, CO (the county of residence, voting, and political campaigning of Plaintiff Ramey) according to the statewide voter list maintained by Defendant Secretary of State Griswold. This sample size, measured against the 365,299 voters recorded in the statewide voter roll as having voted, gives a 90% confidence interval, precision of 0.02, and a predicted prevalence of $P = 0.1$.

174. These records were individually reviewed in a total of three (3) commercial

“skip-tracing” databases used to assist in fraud prevention and investigations by locating individuals precisely in time at specific addresses. The results of the study were as follows:

- **Subject Not Found:** 1,205 individuals listed (0.33%) cannot be located in any database—no matching name, address history, or date of birth was found;
- **Date of Birth Does Not Match:** The date of birth provided in the voter registration for 603 voters (0.16%) did not match validated information;
- **Address Does Not Match:** 5,991 times (1.64%) the listed address could not be confirmed as associated with the voter based on available databases;
- **No Dates Found:** Regarding 1,790 voters (0.49%), while the address is tied to the individual, no evidence was found to confirm their residency dates at that address;
- **SSN Found but No Dates Found:** 1,205 times (0.33%) the listed name, address, and date of birth were tied to a social security number; however, the dates that the person was at the residence on record could not be confirmed because it was not verifiable;
- **Outside of Election Window:** 7,817 voter’s (2.14%) names were not associated with the registered address during the election window, defined as **May 5, 2024** (six months before the election) to **February 5, 2025** (three months after the election). If no date evidence of residency was found, the record was also classified in this category;
- **No SSN Found:** 19,836 voters (5.43%) have no Social Security number.

175. The study’s results raise a simple question: if multiple commercial skip-tracing tools, that must provide accurate data or fail in the open market, could not verify these voters, how did Defendant Secretary of State Griswold verify these apparently ineligible or inconclusive voters before counting their votes and certifying the 2024 election?

176. The study was restricted to Jefferson County, where Plaintiff Ramey Johnson lost her bid for Colorado House of Representatives District 30 by 10,485 votes, significantly less than the minimum 22,389 suspected fraudulent votes discovered in the prevalence study.

C. ERROR RATES IN 2022 & 2024 COMPARED TO RATES PERMITTED BY FEDERAL LAW

177. Colorado’s voting systems are subject to the permissible error rates set forth by Congress in HAVA and further elucidated by the FEC Voting System Standards 3.2.1 and

explained in the EAC's VVSG. *Supra*.

178. The *maximum* number of apparent voting system errors permissible in counting votes in the 2022 Colorado General Election using the calculations set forth by the Federal Election Commission upon mandate by Congress was twenty-one (21) errors at most allowed. The total number of Unique Ballots impacted by voting system errors in the Colorado General Election, however, was 100,693 apparent errors. *See Exhibit D*.

179. The *maximum* number of apparent voting system errors permissible in counting votes in the 2024 Colorado General Election using the calculations set forth by the Federal Election Commission upon mandate by Congress was twenty-six (26) errors at most allowed. The total number of Unique Ballots impacted by voting system errors in the Colorado General Election, however, was 51,903 apparent errors. *See Exhibit F*.

180. Even accounting for the possibility that of the 100,693 apparent errors in 2022, and of the 51,903 apparent errors in 2024, many were not true errors, Plaintiffs believe and therefore aver that the State cannot reasonably demonstrate that the 2022 nor the 2024 General Elections had fewer errors such that the election could be considered reliable for certification.

181. Under HAVA, an error rate of no more than one in 125,000 is permissible before the results of the *entire election* become suspect, and the integrity and reliability of the election are compromised. As mentioned above, this figure is calculated by dividing the total number of Colorado votes in a given election by 125,000, to arrive at the number of permissible errors in any given election in order to create the error rate of no more than one in 125,000 mandated by the VVSG and HAVA.

182. For the 2022 General Election this is 2,564,519 (number of votes cast) divided by 125,000 leaves twenty-one (21) (rounded up) as the maximum errors permitted, meaning that in order for the election to be considered valid, there cannot have been more than 21 voting

system apparent errors in the entire ballot tabulation for all ballots cast in that election in Colorado.

183. Similarly, for the 2024 General Election this is 3,192,745 (number of votes cast) divided by 125,000 leaves twenty-six (26) (rounded up) as the maximum errors permitted, meaning that in order for the election to be considered valid, there cannot have been more than 26 voting system apparent errors in the entire ballot tabulation for all ballots cast in that election in Colorado.

184. However, in the 2022 Colorado General Election, the number of voting system apparent errors in counting ballots for the 2022 general election was 100,693, a figure dramatically exceeding the maximum allowable apparent error rate of twenty-one (21).

185. Similarly, in the 2024 Colorado General Election, the number of voting system apparent errors in counting ballots for the 2024 general election was 51,903, a figure dramatically exceeding the maximum allowable apparent error rate of twenty-six (26).

186. Because the voting system's apparent error rate for the 2022 and 2024 Colorado General Elections was far above the maximum allowable error rates, Plaintiffs believe and therefore aver that the reliability and credibility of the 2022 and 2024 results are cast into doubt as a matter of law.

VOTER-TO-VOTE DEFICIT / SURPLUS

187. The official canvas for the 2022 Colorado Election was 2,564,519 ballots cast yet the data shows there exist 2,532,092 total votes cast – a discrepancy of 32,427 votes. *See Exhibit D.*

188. This discrepancy can best be defined as a Voter-to-Vote deficit.

189. Additionally, the official canvas for the 2022 Colorado Election was 2,564,519 votes (ballots counted) yet there exist only 2,529,607 *voters who actually voted* according to the

data provided – a discrepancy of 34,912 votes that Colorado election officials cannot explain or account for—a number far in excess of twenty-one (21) and indisputably each constitutes an “error.”

190. Plaintiffs believe and therefore aver that the **34,912 more votes counted than voters who voted** means that either tabulators overcounted votes statewide, or there is an alternative source of the data discrepancy.¹²

191. During the canvas for the 2024 Colorado Election, the opposite problem arose: certain votes were not counted, a discrepancy best defined as a Voter-to-Vote surplus.

192. During the 2024 Colorado Election, there were 3,226,968 votes casts, but only 3,192,745 ballots counted – a discrepancy of 34,223 votes that Colorado election officials did not count for some reason- a number far in excess of the twenty-six (26), with potentially each constituting an “error.” See **Exhibit F**.

193. Plaintiffs believe and therefore aver that the **34,223 less votes counted than voters who voted** means that either tabulators undercounted votes statewide, or there is an alternative source of the data discrepancy.

D. COLORADO’S 2022 GENERAL ELECTION VALIDITY

194. For Colorado’s 2022 General Election, out of the 4,345,130 total registrations, Plaintiffs believe and therefore aver that there were 2,877,741 *valid* registrations, 40,904 uncertain/illogical/invalid registrations, 1,116,485 registrations which violated election laws, and 310,000 “Deadwood” registrations.¹³ See **Exhibit E**.

¹² Plaintiffs highlight of the discrepancies which could be due to unintentional tabulator error, some fraud of unknown origin, a combination of both, or even fraud by the tabulators themselves. The discrepancy occurred in 2022 for an unknown reason. It is the deficit *itself*, regardless of the cause, which demonstrates an error rate in excess of that permitted by HAVA calling into question the integrity of the election. Plaintiffs propose to ask this Court to order Defendants to ascertain why the deficit occurred in 2022, ensure that a similar deficit does not re-occur in 2024, and in all federal elections thereafter in the future.

¹³ “Deadwood” is a concept dealing with election fraud and is defined as a fake voter registration record. These registrations could include a voter who is deceased, ineligible, moved, etc.

195. Plaintiffs believe and therefore aver that of the people holding the 2,877,741 valid registrations, 2,428,914 votes were counted in the 2022 General Election.

196. Plaintiffs believe and therefore aver that of the identified 40,904 uncertain/illogical/invalid registrations, 35,201 **people voted** and had their votes counted in the 2022 General Election, each of which Colorado election officials should have confirmed eligibility to vote before counting that vote, and Plaintiffs aver that they did not.

197. Plaintiffs believe and therefore aver that of the total of the identified 1,116,485 registrations that violated election laws in one way or another, 65,492 people holding such registrations *cast votes that were counted* in the 2022 General Election, each of which Colorado election officials should have confirmed eligibility to vote before counting that vote and Plaintiffs aver did not.

198. Plaintiffs believe and therefore aver that while none of the 310,000 “Deadwood” registrations are listed as having voted in the 2022 General Election, those registrations exist, and thus unscrupulous persons *could* utilize them to fraudulently cast votes in future elections.

199. Plaintiffs believe and therefore aver that the *registration* error rate in Colorado for the 2022 General Election was twenty-six percent (26%) of the total registrations on the State’s voter rolls. This figure is arrived at by taking 40,904 uncertain/illogical/invalid registrations, plus 1,116,485 registrations which violated election laws, as a percentage of 4,345,130 total registrations.

200. Plaintiffs believe and therefore aver that the *voter* system error rate in Colorado for the 2022 General Election was four percent (4%), arrived at by taking 35,201 votes counted from uncertain/illogical/invalid registrations, plus 65,492 votes counted from illegal registrations, as a percentage of 2,529,607 votes cast.

201. Per HAVA and the FEC, the legal standard of allowable registration errors for a federal election is 0.0008% (or 1 out of 125,000) yet the registration error rate in Colorado's 2022 combined state and Federal General Election was 26.7%.

E. COLORADO'S 2024 GENERAL ELECTION VALIDITY

202. For Colorado's 2024 General Election, out of the 4,583,928 total registrations, Plaintiffs believe and therefore aver that there were 3,242,522 *valid* registrations, 649,670 uncertain/illogical/invalid registrations, 676,520 registrations which violated election laws, and 15,216 "Deadwood" registrations. *See Exhibit G.*

203. Plaintiffs believe and therefore aver that of the people holding the 3,242,522 valid registrations, 3,175,065 of those had their votes counted in the 2024 General Election.

204. Plaintiffs believe and therefore aver that of the identified 649,670 uncertain/illogical/invalid registrations, 46,423 **people voted** and had their votes counted in the 2024 General Election, each of which Colorado election officials should have confirmed eligibility to vote before counting that vote, and Plaintiffs aver that they did not.

205. Plaintiffs believe and therefore aver that of the total of the identified 676,520 registrations that violated election laws in one way or another, 5,480 people holding such registrations *cast votes that were counted* in the 2024 General Election, each of which Colorado election officials should have confirmed eligibility to vote before counting that vote and Plaintiffs aver did not.

206. Plaintiffs believe and therefore aver that while none of the 15,216 "Deadwood" registrations are listed as having voted in the 2024 General Election, those registrations exist, and thus unscrupulous persons *could* utilize them to fraudulently cast votes in future elections.

207. Plaintiffs believe and therefore aver that the *registration* error rate in Colorado for the 2024 General Election was twenty-nine percent (29%) of the total registrations on the State's

voter rolls. This figure is arrived at by taking 4649,670 uncertain/illogical/invalid registrations, plus 676,520 registrations which violated election laws, as a percentage of 4,583,928 total registrations.

208. Plaintiffs believe and therefore aver that the *voter* system error rate in Colorado for the 2024 General Election was two (**2%**), arrived at by taking 46,423 votes counted from uncertain/illogical/invalid registrations, plus 5,480 votes counted from illegal registrations, as a percentage of 3,226,968 votes cast.

209. Per HAVA and the FEC, the legal standard of allowable registration errors for a federal election is 0.0008% (or 1 out of 125,000) yet the registration error rate in Colorado's 2024 combined state and Federal General Election was 29%.

RELIEF REQUESTED

FIRST CLAIM FOR RELIEF

DECLARATORY JUDGMENT ACT – 28 U.S.C. § 2201

210. Plaintiffs incorporate the previous paragraphs by reference as if set forth at length here.

211. Plaintiffs seek redress from the constitutional harm brought upon them, and the Colorado electorate at large, by Defendants' failure to comply with federal and state election law.

212. Plaintiffs believe and therefore aver that Defendants have done an inadequate job of addressing the issues presented in this Complaint, particularly to address the inaccurate and likely fraudulent voter rolls and voter systems used in federal elections conducted and certified by state authorities.

213. Plaintiffs believe and therefore aver that the voter rolls within the State of Colorado are inaccurate, in violation of VRA, NVRA and HAVA, as well as federal information assurance requirements for critical infrastructure under FISMA. These are not

list maintenance failures. The inaccuracies represent a failure to control the process of validating and registering only qualified citizen voters, and reasonably preventing material errors and omissions in the registration entries. Persons possessing apparently invalid and/or illegal registrations voted in large numbers in Colorado's 2022 and 2024 General Elections.

214. Plaintiffs believe and therefore aver that the Defendants have lost control of voter registration, leading to an inexcusable distribution of ballots to what appear to be false registrants, which results in a diluted vote to all voters, including Plaintiffs, harming the electorate at large.

215. Upholding HAVA and FISMA includes the risk assessments and proper certification of all system elements individually, and the system as a whole, assuring the accuracy and legal compliance of the entire election process, and providing meaningful and true confidence to Colorado voters in the results.

216. Plaintiffs believe and therefore seek a declaration by this Court that an election official's job under State and Federal Election Laws is fidelity to the law in administering the electoral process, thereby protecting the integrity of US Congress, elections generally, and the rights of citizens, from corruption in the election process.

217. Plaintiffs believe and therefore seek a declaration by this Court that State officials' failure to follow the law has resulted in election outcomes that are inconclusive and untrustworthy. The voting system in its present form cannot be used to produce trustworthy and reliable results without the requested judicial intervention.

218. Defendants' inaction and/or failure to act compels Plaintiffs to seek a declaratory judgment from this Court finding that Defendants are required and must comply with all aspects of Colorado Election Code, C.R.S. § 1-1-101 et seq., as well as Federal Election Law, when conducting combined state and federal elections, including but not limited

to, the VRA, the NVRA, FISMA and HAVA.

219. Plaintiffs further seek a declaratory judgment from this Court outlining the duties of the Defendants under Colorado Election Code, C.R.S. § 1-1-101 et seq., as well as the Federal Election Law, to ensure accurate voter rolls, accurate and error free registrations, verification of registrant's eligibility to vote, authenticity of ballots that are voted, and accuracy in the tabulation of voting results.

220. Plaintiffs further seek a declaration judgment from this Court finding that violations or failures of the Defendants to follow the requirements of, and/or perform their duties under Colorado Election Code, C.R.S. § 1-1-101 et seq., as well as Federal Election Law, including VRA, NVRA, FISMA and HAVA, is a violation of the Equal Protection Clause of the Fourteenth Amendment and the Help America Vote Act, 52 U.S.C. § 20901 et seq., in combined state and federal elections.

221. Plaintiffs seek declaratory judgment by this Court finding the election infrastructure of Colorado is critical infrastructure and has been designated as such by the Department of Homeland Security, which the Defendants must develop and mandate measures to safeguard. See <https://www.americafirstpolicy.com/issues/20221130-elections-systems-are-critical-infrastructure-and-must-be-protected>, last visited July 16, 2025, at 2:21 PM EST.

222. Plaintiffs believe and therefore seek a declaratory judgment finding that they have and may assert a private causes of action to enforce federal and state law where Defendants have allowed, and continue to allow, violations of federal election laws, State election laws, the United States Constitution, and federal civil rights laws pertaining to voter rights, which include mandating accurate registration rolls, transparency, compliance, and proper certification of the voting systems as component parts and as a whole. 52 US.C.A. § 20501; 52 US.C.A. § 21083.

223. As part of the declaratory relief, Plaintiffs seek a permanent injunction requiring Defendants comply with the four federal statutes at issue (the VRA, the NVRA, FISMA and the HAVA) along with the Colorado Election Code, C.R.S. § 1-1-101 et seq., and bring Colorado into compliance in time for the 2026 General Election and all federal elections conducted by the State going forward.

224. Specifically, Plaintiffs respectfully seek the Court order Defendants to take steps, both short term and long term, to ensure the apparent errors made during the 2022 and 2024 elections do not recur, and to bring the State into compliance with HAVA's specific mandate of no greater than 1 voting error out of 125,000 votes in the 2026 and subsequent federal general elections in Colorado.

225. Plaintiffs also seek a permanent injunction requiring Defendants to investigate and remedy the issues exposed in the 2022 and 2024 elections before certifying any further federal elections, to avoid repeating the same mistakes in future combined federal and state general elections which are constitutionally administered by Colorado pursuant to Article I, Section 4 (delegating to the state legislatures the power to regulate federal elections for members of the House of Representatives, with Congress reserving the power to "...alter such Regulations [made by the various state legislatures]..."),¹⁴ and, generally, Article II, Section 1 (granting state legislatures the power to determine how presidential electors are chosen) of the United States Constitution.¹⁵

¹⁴ Plaintiffs aver that VRA, NVRA and HAVA are examples of Congress' exercising its power under Article I, Section 4 to "alter" Colorado's (and all other state's) otherwise absolute constitutional authority to regulate federal elections to the House of Representatives and, by application of the 17th Amendment to the U.S. Constitution providing for the direct election of two senators from each state, Congress may exercise its authority "...from time to time by Law make or alter such Regulations..." [of the various states...] to regulate the election of United States Senators as well the election of members of the House of Representatives.

¹⁵ Plaintiffs include citation to Article II and the choosing of electors for president and vice-president, (later modified by the 12th Amendment), to again demonstrate the Framers' intent that the various states shall have presumptive authority to regulate and administer the election of all federal officers on the ballot for consideration in a federal election. Article 1, Section 4 (as later amended) and Article II, Section 1 (as later amended) are examples of where the Framers intentionally intertwined the powers of the various states with those of Congress, while making certain Congress

SECOND CLAIM FOR RELIEF
VIOLATION OF 42 U.S.C. § 1983

226. Plaintiffs incorporate the previous paragraphs as if set forth at length here.

227. Plaintiffs believe and therefore aver that the voter rolls within the State of Colorado are inaccurate, in violation of VRA, NVRA and HAVA. That these are not list maintenance failures. Instead, the inaccuracies represent a failure to control the process of validating and registering only qualified citizen voters. Persons voted in the Colorado 2022 and 2024 General Elections in significant numbers who held apparently invalid and/or illegal registrations that Colorado election officials, on information and belief, did nothing to verify.

228. Plaintiffs believe and therefore aver that Defendants' failure to follow the law, or enforce the law, has resulted in election outcomes that are untrustworthy and unreliable. The State's voting system in its present form cannot be trusted to enforce the right of qualified citizens to choose representatives under Article 1 sec. 2 of the US Constitution, or produce reliable results under HAVA, because Defendants will not follow the dictates of the Act necessitating this judicial intervention.

229. The Fourteenth Amendment's Equal Protection Clause ensures that each eligible voter's ballot carries equal weight. By retaining ineligible voters and failing to control the process of validating and registering only qualified citizen voters on the rolls, Defendants dilute the principle of one man, one vote, and dilute Plaintiffs' votes, depriving them of the right to equal protection under the law.

230. Defendants' conduct in maintaining inaccurate voter rolls has resulted in material vote dilution, thereby infringing Plaintiffs' Fourteenth Amendment rights, which the Plaintiffs aver,

maintained the *ultimate* power to regulate the election of its members, the then-prevailing concepts of *Federalism* and *Dual Sovereignty* notwithstanding.

is a violation of 42 U.S.C. § 1983.

231. Furthermore, under 52 U.S.C. § 10101(a)(2)(B), it is unlawful to deny the right to vote due to errors or omissions that are not material to voter qualifications. Plaintiffs contend that the inaccuracies on the voter rolls constitute material errors impacting their voting rights, and are indicative of nonuniform application of registration and voting laws, resulting in vote dilution and infringing their legal right to a fair election, which is also actionable as a violation of 42 U.S.C. § 1983.

232. Defendants' actions also violate HAVA, 52 U.S.C. § 21083, which creates enforceable rights under 42 U.S.C. § 1983, as it unambiguously confers obligations on the state to maintain accurate voter rolls, which the Defendants have failed to do.

233. Plaintiffs' claim is based on clear constitutional and statutory rights, not mere benefits, satisfying the requirements for a 42 U.S.C. § 1983 action.

234. Plaintiffs believe and therefore aver that without judicial action, Defendants will do nothing to comply with HAVA and other federal and state statutes to ensure the integrity of Colorado's elections and the same issues that are evident from the 2022 and 2024 General Elections will call into question the validity of Colorado's 2026 and subsequent General Election results.

235. Plaintiffs seek a permanent injunction requiring Defendants, both federal and state, to follow the laws cited herein in conducting the 2026 and subsequent federal elections, and adequately investigate and remedy the problems exposed in and 2022 and 2024 elections and detailed above, including bringing the State into compliance with HAVA's specific mandate of no greater than 1 voting error out of 125,000 votes to ensure reliable election results as HAVA intended, in advance of certifying any further election results.

THIRD CLAIM FOR RELIEF
VIOLATION OF SECTION 8(a)(4) OF THE NVRA, 52 U.S.C. § 20507(a)(4)

236. Plaintiffs incorporate the previous paragraphs as if set forth at length here.

237. Plaintiffs Johnson, Cahoon, United Sovereign Americans, and all individual members of United Sovereign Americans who are lawfully registered to vote in Colorado are persons aggrieved by a violation of the NVRA, as set forth in 52 U.S.C. § 20510(b).

238. Pursuant to 52 U.S.C. § 20510(b)(1), notice was provided to Defendant Griswold of the violations alleged herein on May 8, 2024.

239. Defendants have failed to fulfill their obligations under Section 8(a)(4) of the NVRA to conduct a general program that makes a reasonable effort to cancel the registrations of registrants who are ineligible to vote in Colorado's federal elections.

240. Defendant Griswold has failed in her responsibilities as Colorado's chief State election official to coordinate, implement, and enforce the NVRA in Colorado.

241. Plaintiffs have suffered and will continue to suffer irreparable injury as a direct result of Defendants' failure to fulfill their obligations to comply with Section 8(a)(4) of the NVRA.

242. Defendants' failure to timely remove ineligible registrants from Colorado's voter rolls caused Plaintiff Johnson to waste significant time, effort, and money trying to contact voters listed on the rolls who are not eligible voters.

243. Plaintiffs have no adequate remedy at law.

WHEREFORE, Plaintiffs respectfully request Your Honorable Court:

1. Declare that Colorado's voter registration rolls contained thousands of apparent errors in the 2022 and 2024 General Elections;

2. Declare that these apparent errors took the form of illegal duplicate registrations, age-discrepant registrants, registrations on a federal holiday, registrants whose voter history inexplicably changed, and registrants with registration dates altered backwards;

3. Declare that an election official's job under State and Federal Election Laws is fidelity

to the law in administering the electoral process, thereby protecting the integrity of an election and the citizens from corruption in the election process;

4. Declare that State officials' failure to follow the law has resulted in election outcomes that are untrustworthy;

5. Declare that Defendants have failed to comply with Colorado Election Code, C.R.S. § 1-1-101 et seq., as well as Federal Election Law, including but not limited to, the VRA, NVRA, FISMA and HAVA, when conducting combined state and federal elections;

6. Declare that Defendants must comply with all aspects of Colorado Election Code, C.R.S. § 1-1-101 et seq., as well as Federal Election Law, including but not limited to, the VRA, NVRA, FISMA and HAVA, when conducting combined state and federal elections;

7. Declare that the Defendants' duties under applicable State and Federal Election Laws include ensuring accurate voter rolls, accurate and error-free registrations, verification of registrants' eligibility to vote, authenticity of ballots that are voted, and accuracy in the tabulation of voting results;

8. Declare that Colorado's election infrastructure is considered "critical infrastructure," and that the Defendants have a duty to develop and mandate measures to safeguard such infrastructure in compliance with existing and future requirements;

9. Declare that Defendants' failure to maintain accurate voter rolls, ensure accurate voter registrations, and accurately tabulate votes in combined state and federal elections violates Plaintiffs' right to vote under the Fourteenth Amendment's Equal Protection Clause and HAVA, 52 U.S.C. § 21083;

10. Declare that Defendants' actions violate Plaintiffs' Fourteenth Amendment right to equal protection and the Materiality Provision under 52 U.S.C. § 10101(a)(2)(B);

11. Enjoin Defendant Griswold from certifying future election results without first securing

and demonstrating the accuracy and compliance of all voting procedures and systems *supra*, as required to uphold election integrity;

12. Issue a permanent injunction ordering Defendants to:

- a. comply with the four federal statutes at issue (the VRA, the NVRA, FISMA and the HAVA) along with the Colorado Election Code, C.R.S. § 1-1-101 et seq., and bring Colorado into compliance in time for the 2026 General Election;
 - b. investigate and correct the apparent errors evident from the 2022 and 2024 elections data, and ascertain to the Court's satisfaction the reasons why the 2022 and 2024 errors occurred;
 - c. submit voter registration requests and existing registrations to the Department of Homeland Security to verify the citizenship or immigration status of persons seeking registration to vote or who are presently on the state's voter rolls;
 - d. establish a plan for regularly updating the voter rolls to comply with federal law, ensuring accuracy for future elections; and
 - e. prosecuting persons or entities for failing to perform their duties in conformity to the law after being given timely notice to do so.
13. Award Plaintiffs reasonable attorneys' fees and costs under 42 U.S.C. § 1988; and
14. Grant such other relief as the Court deems just and proper.

Respectfully submitted on August 4, 2025.

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