

<p>DISTRICT COURT, DENVER COUNTY, COLORADO 1437 Bannock Street Denver, CO 80202 Telephone: (303) 606-2300</p>	<p>DATE FILED June 26, 2026 12:22 PM FILING ID: EABA62F4B0CE6 CASE NUMBER: 2026CV32338</p>
<p>Petitioners/Plaintiffs: REPUBLICAN NATIONAL COMMITTEE; SHERI DAVIS in her capacity as Clerk and Recorder of Douglas County; and JEFF CRANK</p> <p>v.</p> <p>Respondent/Defendant: JENA GRISWOLD, in her official capacity as the Colorado Secretary of State</p>	<p>▲ COURT USE ONLY ▲</p>
<p>Attorneys for Petitioners/Plaintiffs:</p> <p>Michael Francisco, #39111 First & Fourteenth PLLC 800 Connecticut Ave. NW, Ste 300 Washington, DC 20006 Phone: (202) 754-0522 Email: michael@first-fourteenth.com</p> <p>Christopher O. Murray, #39340 First & Fourteenth PLLC 88 Inverness Circle E. Suite 1107 Englewood, CO 80112 Phone: (719) 428-4937 Email: chris@first-fourteenth.com</p> <p>Erin M. Gust, #56475 First & Fourteenth PLLC 2 N. Cascade Ave., Suite 1430 Colorado Springs, CO 80903 Phone: (719) 203-3022 Email: erin@first-fourteenth.com</p>	<p>Case Number:</p> <p>Division:</p> <p>Courtroom:</p>
<p>VERIFIED PETITION FOR RELIEF UNDER C.R.S. § 1-1-113 AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF</p>	

Petitioners Republican National Committee (the “RNC”), Sheri Davis (the “Clerk”), and Jeff Crank, candidate for U.S. Congressional District No. 5 (the “Candidate”) (collectively, “Petitioners”), by and through undersigned counsel, bring this action seeking declaratory and injunctive relief against Respondent Jena Griswold, in her official capacity as Secretary of State of the State of Colorado (“Respondent” or “Secretary”), and state as follows:

NATURE OF THE CASE

1. The Colorado Constitution allows Colorado residents, and only Colorado residents, to vote. *See* Colo. Const. art. VII, § 1 (“Qualifications of elector. Only a citizen of the United States who has attained the age of eighteen years, has resided in this state for such time as may be prescribed by law, and has been duly registered as a voter if required by law shall be qualified to vote at all elections.”) (emphasis added).

2. In direct contravention of this constitutional command, the Colorado Secretary of State has issued guidance permitting individuals who have never resided in the United States, let alone in Colorado, to register and vote in Colorado elections based solely on the residency of a parent, legal guardian, or spouse. According to the Secretary of State, “If you are a United States citizen who has never lived in the United States, you can register to vote in Colorado if your parent, legal guardian, spouse, or domestic partner was a resident of Colorado before leaving the United States.” *Uniformed and Overseas Electors FAQs and Additional Resources*, Colorado Secretary of State (last visited June 23, 2026), <https://www.sos.state.co.us/pubs/elections/FAQs/UOCAVA.html>.

3. Colorado statute likewise permits voters who have never lived in Colorado to vote. In particular, Colo. Rev. Stat. § 1-8.3-102(2)(d) extends voting eligibility to individuals

who have never resided in Colorado, in direct conflict with the residency requirements set forth in Article VII of the Colorado Constitution. *Id.* (“An overseas voter who was born outside the United States ... if the last place where a parent, legal guardian, spouse, or civil union partner of the voter was, or under this article would have been, eligible to vote before leaving the United States.”).

4. Residency is not inherited and cannot be established by proxy. An individual who has never personally made Colorado his or her home has not “resided in this state” within the meaning of Article VII of the Colorado Constitution. It follows that Colo. Rev. Stat. § 1-8.3-102(2)(d) and the Secretary’s published UOCAVA guidance implementing it are contrary to the Colorado Constitution.

5. By permitting such “never-resident” registrants to cast ballots in Colorado elections, Colo. Rev. Stat. § 1-8.3-102(2)(d) and the Secretary’s guidance implementing it unlawfully structure the competitive environment in which Petitioners participate, dilute the voting power of constitutionally eligible qualified electors, and create confusion and conflicting obligations for local election officials, including the Clerk.

6. Petitioners accordingly are entitled to a declaration that Colo. Rev. Stat. § 1-8.3-102(2)(d) and the Secretary’s guidance permitting never-resident voters to register and vote in Colorado violate Article VII of the Colorado Constitution, and relief prohibiting their enforcement.

JURISDICTION AND VENUE

7. This Court has jurisdiction over the subject matter of this action pursuant to Colorado Constitution Article VI. This Court has the authority to enter a declaratory

judgment pursuant to C.R.S. § 13-51-101 et seq. and C.R.C.P. 57 and Colo. Rev. Stat. § 1-1-113.

8. Venue is proper in this Court pursuant to C.R.C.P. 98(b)(2) and (c)(1).

PARTIES

9. Petitioner Republican National Committee is the national committee of the Republican Party, as that term is defined in 52 U.S.C. § 30101(14). The RNC is responsible for supporting Republican candidates and party organizations nationwide, including in Colorado, and for allocating substantial funds and resources to federal and state elections conducted in Colorado. The RNC's central mission includes electing Republican candidates for President of the United States, United States Senate, United States House of Representatives, state offices, and other offices. The RNC's strategic and resource-allocation decisions depend on lawful, constitutional rules governing voter eligibility and ballot issuance. The RNC devotes substantial resources to identifying, registering, and contacting lawful voters; maintaining accurate lists of lawful voters; getting out the vote; and ensuring the integrity of election administration and election results. The RNC sponsors and conducts voter registration drives, expends significant resources supporting Republican candidates in Colorado, and has an interest in the administration of elections and the competitive environment affecting Republican candidates in Colorado.

10. Rules that allow constitutionally ineligible individuals to cast ballots undermine the integrity of the electoral process and the political legitimacy of the RNC's winning candidates, causing reputational harm that is "particularly concrete for those whose very jobs

depend on the support of the people.” *Bost v. Ill. State Bd. of Elections*, 607 U.S. 71, 78 (2026). The RNC therefore has a personal stake in the outcome of this controversy.

11. Petitioner Sheri Davis is the duly elected Clerk and Recorder of Douglas County, Colorado. The Clerk is bound by the Secretary’s instructions in administering elections for Douglas County. The Clerk has attempted to reconcile the Secretary’s guidance with the Colorado Constitution but finds that she cannot, because the guidance directs her to accept registrations and ballots from individuals who have never resided in Colorado, in direct conflict with the Colorado Constitution’s residency requirement. Without relief from this Court, the Clerk will have to choose between adhering to the Constitution and the Secretary’s instructions.

12. The Clerk is also a registered voter in Douglas County, Colorado, who has voted in past elections and intends to vote in future elections. The Clerk has a direct, personal, and substantial interest in ensuring that her vote counts and is not diluted by the inclusion of constitutionally ineligible voters.

13. Petitioner Jeff Crank is a candidate for the United States House of Representatives in Colorado’s 5th Congressional District in the 2026 election cycle. The Candidate’s electoral interests are directly and concretely injured by Colo. Rev. Stat. § 1-8.3-102(2)(d) and the Secretary’s guidance because they permit constitutionally ineligible voters to cast ballots in the election in which the Candidate is competing. The unlawful registration of never-resident voters harms the Candidate by depriving him of an election conducted under lawful rules, undermining the political legitimacy of any winning candidate, and forcing the Candidate to compete in an election in which unqualified voters are participating. These

injuries are “particularly concrete for those whose very jobs depend on the support of the people.” *Bost*, 607 U.S. at 78.

14. Respondent Jena Griswold is the Secretary of State of Colorado and is named in this action in her official capacity only. The Secretary is responsible for administering and enforcing Colorado’s election laws, Colo. Rev. Stat. § 1-1-107. The Secretary of State is also responsible for interpreting and carrying out Colorado’s Election Code, including Colo. Rev. Stat. § 1-8.3-102(2)(d) and the provisions of the Uniform Military and Overseas Voters Act (Colo. Rev. Stat. § 1-8.3-101 et seq.). The Secretary of State is also responsible for promulgating rules regarding the counting of mail ballots. *Id.* § 1-7.5-107(6). The Secretary has published UOCAVA guidance on her official website that directs county clerks to register and issue ballots to individuals who have never resided in the United States or Colorado based on a spouse’s last Colorado domicile.

GENERAL ALLEGATIONS

The Colorado Constitutional Residency Requirement

15. Article VII of the Colorado Constitution sets forth the qualifications for voters in Colorado, including a residency requirement.

16. Colorado’s implementation of UOCAVA is found in the Uniform Military and Overseas Voters Act, Colo. Rev. Stat. § 1-8.3-101 et seq. Section 1-8.3-102 defines the categories of individuals eligible to register and vote as military or overseas voters under Colorado law. Subsection (2)(d) specifically extends eligibility to a U.S. citizen who has never resided in the United States but whose spouse or parent was a resident of Colorado before leaving the country. Colo. Rev. Stat. § 1-8.3-102(2)(d).

The Federal Uniformed and Overseas Citizens Absentee Voting Act

17. In 1986, Congress enacted the federal Uniformed and Overseas Citizens Absentee Voting Act (“UOCAVA”), 52 U.S.C. § 20301 et seq., which prescribes registration and voting procedures in federal elections for military and other uniformed personnel absent from their place of residence and certain American civilians residing overseas who were once domiciled in the state before leaving the United States. UOCAVA affords a limited right to vote in federal elections to these individuals who are absent from or previously resided in the state in which they wish to vote. But it otherwise left intact the States’ prerogative to prescribe substantive prerequisites for voting in both federal and state elections, and UOCAVA authorizes U.S. citizens to register and vote under its auspices only if such individuals also qualify under the constitution and laws of the relevant State.

18. UOCAVA requires the States to “permit absent uniformed services voters and overseas voters to use absentee registration [and voting] procedures” in federal elections, and to “accept and process . . . any otherwise valid voter registration application” such individuals timely submit. 52 U.S.C. § 20302(a)(1)-(2).

19. UOCAVA affords two primary mechanisms for an eligible individual to register to vote: the Federal Post Card Application (“FPCA”) and the Federal Write-In Absentee Ballot (“FWAB”). Individuals who submit a timely and properly completed FPCA will be registered to vote (if they had not previously registered) and issued a ballot by mail or electronically. Individuals who submit a timely and properly completed FWAB may vote concomitantly with registering by writing in the names of their preferred candidates on the FWAB form. *See* 52 U.S.C. §§ 20301(b)(2), 20302(a)(4), 20304.

20. The FPCA and FWAB are promulgated by the Department of Defense, but each form incorporates state-specific instructions that govern applications to register and/or obtain absentee ballots in that state. *See* 52 U.S.C. §§ 20301(b)(5), 20305; Exec. Order No. 12642, 53 Fed. Reg. 21975 (June 8, 1988); 32 C.F.R. § 233.6(a)(4).

21. The FPCA and FWAB contain several check-box options for applicants to denote their residency status. One of these check-box fields states: “I am a U.S. citizen living outside the country, I have never lived in the United States.” *Standard Form 186, Federal Write-In Absentee Ballot (FWAB)*, FVAP (last visited June 23, 2026), <https://www.fvap.gov/uploads/fvap/forms/fwab.pdf>.

22. Two categories of individuals may utilize UOCAVA’s registration and voting procedures: “absent uniformed services voters” and “overseas voters.”

23. An “absent uniformed services voter” is an active-duty member of the military, an active-duty member of the merchant marine, or a spouse or dependent of either of the foregoing, who, by reason of their service, “is absent from the place of residence where the member is otherwise qualified to vote.” 52 U.S.C. § 20310(1).

24. An “overseas voter” is (a) an “absent uniformed services voter” who is “absent from the United States” on Election Day, (b) “a person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States,” or (c) “a person who resides outside the United States and (but for such residence) would be qualified to vote in the last place in which the person was domiciled before leaving the United States.” *Id.* § 20310(5).

25. In other words, UOCAVA entitles an “absent uniformed services voter” or an “overseas voter” to register and obtain a ballot if, and only if, that individual (notwithstanding their current absence from the State) otherwise is “qualified to vote” under the laws of the State in which they reside or were previously domiciled. UOCAVA does not require any State to alter or waive its generally applicable eligibility qualifications to accommodate registrants who have never lived in the State.

26. UOCAVA thus only preempts state residency requirements to the extent that overseas voters who were last domiciled in the state must be allowed to register and vote. It does not create a new class of voters who may vote in a state *even though they have never resided there*.

The Secretary’s Challenged Guidance

27. Pursuant to Colo. Rev. Stat. § 1-8.3-102(2)(d), the Secretary has published guidance directing that individuals who have never resided in the United States are eligible to vote in Colorado if their spouse was last domiciled in Colorado before departing the United States. Specifically, the Secretary’s UOCAVA FAQ guidance, published at <https://www.sos.state.co.us/pubs/elections/FAQs/UOCAVA.html>, instructs that such never-resident individuals may register and vote in Colorado elections.

28. This action challenges both Colo. Rev. Stat. § 1-8.3-102(2)(d), to the extent it authorizes the registration and voting of individuals who have never resided in Colorado, and the Secretary’s published UOCAVA FAQ guidance implementing that statute. Colo. Rev. Stat. § 1-8.3-102(2)(d) purports to create a class of voters who have *never* been residents of the State, in direct conflict with the Colorado Constitution’s residency requirement.

Critically, the Secretary's guidance goes further by affirmatively instructing county clerks and voters that *a person who has never resided in the United States* may register and vote in Colorado based solely on a spouse's last Colorado domicile, even though such a person has no personal connection to Colorado whatsoever.

29. Pursuant to Colo. Rev. Stat. § 1-8.3-102(2)(d) and the Secretary's published UOCAVA FAQ guidance, the Secretary facilitates the registration and voting of never-resident voters in at least the following ways:

- a. By publishing guidance on the Secretary of State's official website (<https://www.sos.state.co.us/pubs/elections/FAQs/UOCAVA.html>) stating that a U.S. citizen who has never resided in the United States is eligible to vote in Colorado if that person's spouse was last domiciled in Colorado before leaving the United States;
- b. By approving use of the FPCA to register overseas voters who (1) have never resided in Colorado; (2) self-identify as U.S. citizens who have never lived in the United States by checking the relevant statement on the FPCA; and (3) list their U.S. addresses as the address of the last place of residence in Colorado of their spouses, parents, or legal guardians, and by issuing guidance to local election officials directing them to issue such individuals ballots;
- c. By approving the registration of overseas voters who (1) have never resided in Colorado; (2) self-identify as U.S. citizens who have never lived in the United States by checking the relevant statement on the FWAB; and (3) list their U.S. addresses as the address of the last place of residence in Colorado of their spouses, parents, or

legal guardians, and by issuing guidance to local election officials directing them to issue such never-residents ballots.

30. Upon information and belief, the subset of UOCAVA voters who have never resided in Colorado are disproportionately non-Republican in their partisan composition relative to the Colorado electorate as a whole.

31. Upon information and belief, the Secretary maintains records within the statewide voter registration system (“SCORE”) identifying UOCAVA registrants who have indicated on the FPCA or FWAB that they have never lived in the United States. Petitioners are informed and believe that a non-trivial number of such never-resident voters are currently registered to vote in Colorado, though the precise number is known only to the Secretary.

Petitioners’ Injuries

32. “[T]he burden of being forced to compete under the weight of a state-imposed disadvantage” is a cognizable legal injury. *See Mecinas v. Hobbs*, 30 F.4th 890, 899 (9th Cir. 2022). When a statute or regulation that is alleged to be unconstitutional skews the electoral competitive environment to one political party’s detriment, the adversely affected party has sustained competitive harm, regardless of whether the statute or rule causally affects election outcomes. *See Shays v. Fed. Election Comm’n*, 414 F.3d 76, 85 (D.C. Cir. 2005).

33. To have standing in Colorado, Petitioners must have (1) suffered an injury-in-fact (2) to a legally protected interest. *Ainscough v. Owens*, 90 P.3d 851, 855 (Colo. 2004). “In Colorado, plaintiffs benefit from a relatively broad definition of standing.” *Roane v. Elizabeth Sch. Dist.*, 555 P.3d 69, 76 (Colo. App. 2024). “[S]imilar considerations underlie both Colorado and federal standing law, and [courts] frequently consult federal cases for

persuasive authority.” *City of Greenwood Vill. v. Petitioners for Proposed City of Centennial*, 3 P.3d 427, 436 n.7 (Colo. 2000).

34. Where a political party or candidate alleges that a provision of Colorado’s election code or its enforcement imposes a competitive disadvantage to its candidates or campaigns, this competitive injury is sufficient to confer standing to challenge the provision and its enforcement. *Libertarian Party of Colo. v. Buckley*, 8 F. Supp. 2d 1244, 1247–48 (D. Colo. 1998).

35. Colorado’s election code at once recognizes the reality of an injury caused by unlawful acts by election officials and provides for its remedy: “When any controversy arises between any official charged with any duty or function under this code and any candidate, or any officers or representatives of a political party, or any persons who have made nominations or when any eligible elector files a verified petition in a district court of competent jurisdiction alleging that a person charged with a duty under this code has committed or is about to commit a breach or neglect of duty or other wrongful act, after notice to the official which includes an opportunity to be heard, upon a finding of good cause, the district court shall issue an order requiring substantial compliance with the provisions of this code.” Colo. Rev. Stat. § 1-1-113(1).

36. Declaratory judgments allow for certainty and security in connection with “rights, status, and other legal relations.” Colo. Rev. Stat. § 13-51-105. “A declaratory judgment action is appropriate ‘when the rights asserted by the plaintiff are present and cognizable ones.’” *Wainscott v. Centura Health Corp.*, 351 P.3d 513, 519 (Colo. App. 2014) (quoting *Farmers Ins. Exch. v. Dist. Court*, 862 P.2d 944, 947 (Colo. 1993)). Such actions are

“liberally construed and administered.” *Citizens Progressive All. v. Southwestern Water Conservation Dist.*, 97 P.3d 308, 310 (Colo. App. 2004).

37. The Secretary’s guidance inflicts a competitive injury on the RNC and Candidate Crank because it is adding to the voter rolls, and thereby permitting to vote in Colorado elections, a population of constitutionally ineligible individuals who are disproportionately non-Republican in their partisan affiliations.

38. According to research from Michael McDonald at the University of Florida, UOCAVA voters in Colorado have a sizable Democratic-lean. In 2024, at the time of his report (prior to Election Day), the returns were 53.1% Democrat as compared to only 11.6% Republican. Michael McDonald, *Colorado Military and Overseas Civilian Voting Up Compared to 2020*, US Elections Project (Sept. 25, 2024), <https://michaelmcdonald.substack.com/p/colorado-military-and-overseas-civilian> (on file with the author); Tierney Sneed, Alayna Treene, Edward-Isaac Dove, *Overseas voters – now a bloc that could be crucial for Democrats – targeted by GOP lawsuits in battleground states*, CNN Politics (Oct. 17, 2024), <https://www.cnn.com/2024/10/17/politics/overseas-voters-lawsuits-democrats-republicans> (explaining that Michael McDonald’s research on “Colorado voters has shown that UOCAVA vote in those states has had a sizable Democratic-lean”).

39. Moreover, it is well understood that the overseas civilian voting bloc, which is partly comprised of these illegal never-resident voters, overwhelmingly supports and votes for Democratic Party candidates. For example, the organization Democrats Abroad states that civilian overseas voters “vote blue in overwhelming numbers” and made up the margin of

victory for President and U.S. Senate in Arizona and Georgia in the 2020 General Election.

Democrats Abroad: Making an Impact in Global Democracy, Democrats Abroad (last visited June 25, 2026), https://www.democratsabroad.org/our_impact.

40. According to the Federal Voting Assistance Program (“FVAP”), as of 2022, there were approximately 4.4 million Americans living overseas, with 2.8 million of them eligible to vote. In the 2020 election, 7.8% voted nationwide.

41. According to the U.S. Election Assistance Commission, in 2020 there were 905,000 overseas ballots counted nationwide. Of that total, 32,072 votes were cast in Colorado, and only 27.5% of those ballots were for uniformed service members.

42. Colorado is one of only 31 states that have set up internet-based ballots for overseas voters.

43. Based on a review of the UOCAVA records, Douglas County likely has more than 100 registered voters who have never lived in the United States.

44. In addition, the inclusion of constitutionally ineligible individuals on the voter rolls, which enables them to obtain and cast ballots in Colorado elections, unlawfully dilutes the voting power of each constitutionally eligible qualified elector, including the Clerk and the Candidate, which is itself a concrete and particularized harm. *See Hall v. Dist. of Columbia Bd. of Elections*, 141 F.4th 200, 206 (D.C. Cir. 2025) (holding that voters had standing to challenge ordinance permitting non-citizens to vote, reasoning that “each voter experiences a direct reduction in the strength of his or her ‘individual and personal’ vote”) (quoting *Gill v. Whitford*, 585 U.S. 48, 65 (2018)).

45. The Secretary's guidance also subjects the Clerk to competing obligations. On the one hand, she has sworn an oath to uphold the Colorado Constitution; on the other hand, she is bound by the Secretary's instructions. Indeed, "[t]he Secretary is charged by statute with supervising the conduct of elections within the state, and enforcing provisions of the election code." *Hanlen v. Gessler*, 333 P.3d 41, 48 (Colo. 2014) (citing Colo. Rev. Stat. § 1-1-107(1)(a)-(b)).

46. The RNC also spends significant resources to preserve voter confidence and turnout. These efforts are harmed when voters observe that election officials accept ballots without verifying the residency of the voter as required under the Colorado Constitution.

47. Absent relief from this Court, the Secretary will continue to implement and enforce the challenged guidance and will continue to facilitate registration and voting by persons who are not constitutionally qualified electors, thereby causing and perpetuating the injuries alleged herein.

CLAIMS FOR RELIEF

Claim One — Colo. Rev. Stat. § 1-8.3-102(2)(d) Violates Article VII of the Colorado Constitution

48. Petitioners incorporate by reference the allegations contained in the foregoing paragraphs as if fully set forth herein.

49. Article VII of the Colorado Constitution requires that voters be residents of the State of Colorado.

50. A person who has never resided in Colorado is not, and cannot be made, a resident of the State by executive fiat or legislative enactment. A parent's former domicile or

voting eligibility cannot serve as a substitute for an individual's actual residence. Yet Colo. Rev. Stat. § 1-8.3-102(2)(d) purports to authorize precisely that.

51. Colo. Rev. Stat. § 1-8.3-102(2)(d) and the Secretary's published UOCAVA FAQ guidance purport to authorize voting by certain never-resident individuals based on a spouse's (or parent's or legal guardian's) Colorado domicile, thereby negating the constitutional residency requirement set forth in Article VII of the Colorado Constitution. For example, the Secretary's guidance affirmatively instructs that a U.S. citizen who has never lived in the United States may register and vote in Colorado solely because that person's spouse was last domiciled in Colorado before departing the country, *even though the voter has never set foot in Colorado, has no place of abode in Colorado, and has no personal connection to any Colorado community.*

52. Colo. Rev. Stat. § 1-8.3-102(2)(d) is, on its face, inconsistent with and violative of Article VII of the Colorado Constitution. *See also Griffin v. N.C. State Bd. of Elections*, 915 S.E.2d 212, 227–28 (N.C. Ct. App. 2025) (holding that a statute substantively similar to Colo. Rev. Stat. § 1-8.3-102(2)(d) violated a state constitutional requirement that voters must have resided in the state); Exhibit A (*Kivett v. N.C. State Bd. of Elections*, Order Granting Plaintiffs' Mot. for Summ. J. (June 5, 2026)).

53. UOCAVA does not preempt Article VII's residency requirement for individuals who have never resided in Colorado, including those whose only claimed connection to Colorado is a parent, legal guardian, domestic partner, or spouse's former domicile. UOCAVA only requires states to facilitate voting by individuals who previously resided in

the state and are otherwise eligible. It does not require Colorado to enfranchise persons who have never resided in the State and are not residents under the Colorado Constitution.

54. To the extent Colo. Rev. Stat. § 1-8.3-102(2)(d) extends eligibility to individuals who have never resided in Colorado, including by permitting registration based solely on a parent, legal guardian, domestic partner, or spouse's former Colorado domicile, it goes beyond what UOCAVA requires. Because UOCAVA does not mandate that states enfranchise never-resident voters, Colo. Rev. Stat. § 1-8.3-102(2)(d) does not enjoy the force of federal preemption with respect to such voters. To the extent Colo. Rev. Stat. § 1-8.3-102(2)(d) conflicts with the residency requirements of Article VII of the Colorado Constitution, the statute must yield to the Constitution.

55. Because Colo. Rev. Stat. § 1-8.3-102(2)(d) and the Secretary's published UOCAVA FAQ guidance are inconsistent with Article VII of the Colorado Constitution, they are unlawfully structuring the electoral environment in a manner that is disadvantageous to the Republican Party, thereby causing a competitive injury to the RNC and the Candidate.

56. In addition, including constitutionally ineligible individuals on the voter rolls, which enables them to obtain and cast ballots in Colorado elections, unlawfully dilutes the voting power of the Clerk, the Candidate, and other qualified electors who satisfy the Colorado Constitution's residency requirement.

57. The Secretary's guidance also places the Clerk at a crossroads: either she must follow the Colorado Constitution, or she must follow the conflicting requirements of the Secretary's instructions.

58. Petitioner RNC's and Candidate Petitioner's competitive and vote dilution injuries are not compensable by monetary damages, and thus are irreparable.

59. The balance of equities and considerations of public policy counsel in favor of enforcing the Colorado Constitution's residency requirement and not authorizing or effectuating the registrations of voters who, by their own representations, have never resided in the State of Colorado.

60. The balance of harms weighs in favor of granting injunctive relief. To not enjoin unlawful directives such as the Secretary's guidance would allow a single state officer to circumvent valid and enforceable constitutional mandates. The public has an interest in ensuring the integrity and accuracy of Colorado's elections and that each ballot originates from a constitutionally eligible voter.

Claim Two — The Secretary Must be Ordered to Remove Ineligible Never-Resident Voters from the Statewide Voter Registration List Pursuant to Colo. Rev. Stat. § 1-1-113.

61. Petitioners incorporate by reference the allegations contained in the foregoing paragraphs as if fully set forth herein.

62. Colo. Rev. Stat. § 1-1-113(1) requires that where an elector files "a verified petition in a district court of competent jurisdiction alleging that a person charged with a duty under this code has committed or is about to commit a breach or neglect of duty or other wrongful act, after notice to the official which includes an opportunity to be heard, upon a finding of good cause, the district court shall issue an order requiring substantial compliance with the provisions of this code."

63. Colo. Rev. Stat. § 1-2-301 charges the Secretary with maintaining the statewide voter registration system. This system is colloquially known as “SCORE.”

64. Colo. Rev. Stat. § 1-2-302 requires that the secretary maintain SCORE on “as current a basis as possible.” This section also mandates that SCORE be maintained such that, among other things, “[o]nly the names of voters who are not registered or who are not eligible to vote are removed from the computerized statewide voter registration list[.]”

65. Never-resident voters registered pursuant to Colo. Rev. Stat. § 1-8.3-102(2)(d) and the Secretary’s guidance purporting to implement that section are not eligible to vote because they do not meet the residency requirement under Colo. Const. art. VII, § 1.

66. Petitioners are therefore entitled to an order pursuant to section 1-1-113 requiring the Secretary, pursuant to section 1-2-302, to remove the names of these voters from SCORE.

REQUESTED RELIEF

WHEREFORE, Petitioners respectfully request that this Court:

- (1) Declare that C.R.S. § 1-8.3-102(2)(d) is unconstitutional and void to the extent it permits the registration or voting of individuals who have never resided in Colorado — including those whose sole claimed connection is a spouse’s former Colorado domicile — because it conflicts with the residency requirements of Article VII of the Colorado Constitution;
- (2) Declare that the Secretary’s published UOCAVA FAQ guidance implementing C.R.S. § 1-8.3-102(2)(d) with respect to never-resident voters is unconstitutional and void to the extent it directs county clerks and voters that individuals who have never resided in the United States may register and vote in Colorado based on a spouse’s former Colorado domicile;
- (3) Order the Secretary to rescind her unconstitutional UOCAVA FAQ guidance implementing C.R.S. § 1-8.3-102(2)(d) as applied to never-resident voters, and direct the Secretary to issue revised guidance that complies with the residency requirements of Article VII of the Colorado Constitution;

(4) Preliminarily and permanently enjoin the Secretary from accepting or processing voter registration applications from individuals who do not and have never resided in Colorado and from issuing ballots to, or accepting, processing, or counting ballots from, such never-resident registrants;

(5) Order the Secretary to take all steps necessary to remedy the harm caused by her unconstitutional actions, including:

a. Issuing all necessary directives and guidance to local election officials, including county clerks, mandating compliance with the Colorado Constitution's residency requirement;

b. Ensuring that the Colorado-specific instructions accompanying the Federal Post Card Application and the Federal Write-In Absentee Ballot reflect that individuals who have never resided in the State of Colorado are not eligible to register to vote or cast ballots in Colorado elections;

c. Updating all public-facing websites and voter registration portals within the Secretary's custody or control to reflect the constitutional prohibition on never residents voting in Colorado elections;

d. Requiring the Secretary of State to cancel existing voter registrations for never resident voters.

(6) Grant Petitioners such other and further relief as the Court deems just, equitable, proper, and necessary.

Dated: June 26, 2026.

Respectfully submitted,

s/ Michael Francisco

Michael Francisco, #39111

First & Fourteenth PLLC

800 Connecticut Ave. NW, Ste 300

Washington, DC 20006

Phone: (202) 754-0522

Email: michael@first-fourteenth.com

Christopher O. Murray, #39340
First & Fourteenth PLLC
88 Inverness Circle E. Suite L107
Englewood, CO 80112
Phone: (719) 428-4937
Email: chris@first-fourteenth.com

Erin M. Gust, #56475
First & Fourteenth PLLC
2 N. Cascade Ave., Suite 1430
Colorado Springs, CO 80903
Phone: (719) 203-3022
Email: erin@first-fourteenth.com

Attorneys for Petitioners/Plaintiffs

RETRIEVED FROM DEMOCRACYDOCKET.COM

VERIFICATION OF PETITION

Pursuant to Colo. Rev. Stat. section 1-1-113, I declare under penalty of perjury that the foregoing is true and correct to the best of my belief and knowledge.

Date: June 25, 2026

s/ ; Chief of Staff
Republican National Committee

RETRIEVED FROM DEMOCRACYDOCKET.COM

VERIFICATION OF PETITION

Pursuant to Colo. Rev. Stat. section 1-1-113, I declare under penalty of perjury that the foregoing is true and correct to the best of my belief and knowledge.

Date: June 26, 2026

s/ *Sheri Davis*

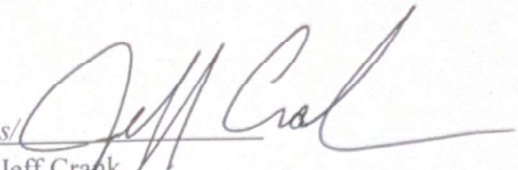
Sheri Davis
Douglas County Clerk and Recorder

RETRIEVED FROM DEMOCRACYDOCKET.COM

VERIFICATION OF PETITION

Pursuant to Colo. Rev. Stat. section 1-1-113, I declare under penalty of perjury that the foregoing is true and correct to the best of my belief and knowledge.

Date: June 26, 2026

s/ 
Jeff Crank
U.S. House of Representatives

RETRIEVED FROM DEMOCRACYDOCKET.COM

District of Columbia
Signed and sworn to (or affirmed) before me on
6/26/26 by Jeff Crank
Date Name(s) of Individual(s) making statement
Sherry Ann Beverly
Signature of Notarial Officer Seal
of Office
Commission Expires: 4/14/29

