

EXHIBIT 6

**Complaint of Colorado
Congressman Jeff Crank to
enjoin Jena Griswold from
mailing UOCAVA ballots that
violate Colorado Constitution
Order Denying Crank Motion for
Preliminary Injunction**

DISTRICT COURT, DENVER COUNTY, COLORADO 1437 Bannock Street Denver, CO 80202 Telephone: (303) 606-2300	DATE FILED June 26, 2026 12:22 PM FILING ID: EABA62F4B0CE6 CASE NUMBER: 2026CV32338
Petitioners/Plaintiffs: REPUBLICAN NATIONAL COMMITTEE; SHERI DAVIS in her capacity as Clerk and Recorder of Douglas County; and JEFF CRANK v. Respondent/Defendant: JENA GRISWOLD, in her official capacity as the Colorado Secretary of State	▲ COURT USE ONLY ▲
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VERIFIED PETITION FOR RELIEF UNDER C.R.S. § 1-1-113 AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF	

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 Dovere, *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,

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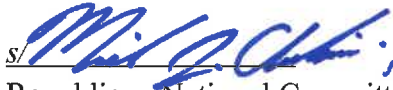
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VERIFICATION OF PETITION

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.

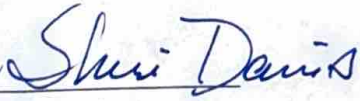
Date: June 25, 2026

s/  ; Chief of Staff
Republican National Committee

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

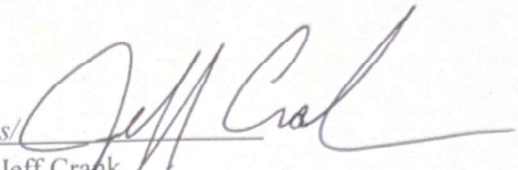
s/ 

Sheri Davis
Douglas County Clerk and Recorder

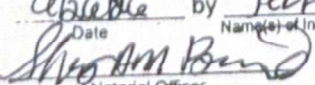
VERIFICATION OF PETITION

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

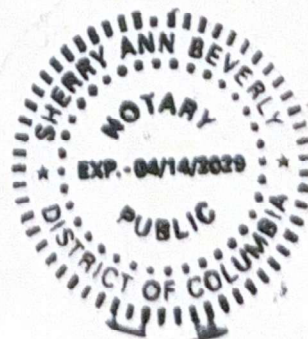
District of Columbia

signed and sworn to (or affirmed) before me on
6/26/26 by Jeff Crank
Date Name(s) of individual(s) making statement

Signature of Notarial Officer

Seal

Notary Public
of Office

Commission Expires: 4/14/29



DISTRICT COURT, CITY & COUNTY OF DENVER, COLORADO 1437 Bannock Street Denver, Colorado 80202	DATE FILED August 13, 2026 3:51 PM CASE NUMBER: 2026CV32338 ▲ COURT USE ONLY ▲
Plaintiffs: REPUBLICAN NATIONAL COMMITTEE; SHERI DAVIS in her capacity as Clerk and Recorder of Douglas County; and JEFF CRANK, v. Defendant: JENA GRISWOLD, in her official capacity as the Colorado Secretary of State.	
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER ON PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION	

This case came on for a hearing to the Court August 10, 2026. The Court, having considered the evidence, the briefs, and the applicable legal authority, makes the following findings of fact and conclusions of law and issues the following order.

Plaintiffs are the Republican National Committee (“RNC”), Clerk and Recorder of Douglas County Sheri Davis, and Representative Jeff Crank. Defendant is Jena Griswold, named in her official capacity as the Colorado Secretary of State.

In this litigation, Plaintiffs contend that overseas voters who have never resided in Colorado are ineligible to vote in Colorado elections pursuant to Article VII, § 1 of the Colorado Constitution. Specifically, Plaintiffs alleges that section 1-8.3-102(2)(d), C.R.S. and the Secretary’s guidance regarding same is unconstitutional because the statute contradicts the Colorado Constitution. Section 1-8.3-102(2)(d) provides:

An overseas voter who was born outside the United States, . . . not [otherwise] described in . . . this subsection . . . , and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements 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 is within this state.

The parties have referred to the class of voters who are permitted to vote by section 1-8.3-102(2)(d) as Never Resident voters. Uniformed and overseas citizens who may vote pursuant to

the federal Uniformed and Overseas Absentee Voting Act (“UOCAVA”) at 52 USC § 20301 *et seq.* are referred to as UOCAVA voters. The Never Resident voters are subset of UOCAVA voters.

I. PROCEDURAL BACKGROUND

1. On June 26, 2026, Plaintiffs filed their Verified Complaint, alleging that § 1-8.3-102(2)(d) is unconstitutional and seeking an order for Defendant to remove Never Resident voters pursuant to § 1-1-113, C.R.S. On July 6, 2026, Plaintiffs filed their Verified Amended Complaint, removing allegations and relief under § 1-1-113.

2. On July 10, 2026, Plaintiffs filed their Motion for Preliminary Injunction, seeking to enjoin Defendant Secretary of State from:

- Implementing her UOCAVA FAQ guidance implementing C.R.S. § 1-8.3-102(2)(d) as applied to never-resident voters; AND
- 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;

The proposed injunction also sought an order, directing Defendant Secretary of State to:

- Issue all necessary directives and guidance to local election officials, including county clerks, mandating compliance with the Colorado Constitution’s residency requirement;
- Ensure 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;
- Update 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;
- Identify and cancel all existing voter registrations for never-resident voters.

3. On July 22, 2026, Defendant filed her Opposition to Motion for Preliminary Injunction. Plaintiffs replied on July 28, 2026. On August 5, 2026, the Court accepted Defendant’s surreply.

4. In Plaintiffs’ Reply brief, they narrowed the scope of the injunction they seek. Plaintiffs removed the request to enjoin Defendant from “issuing ballots to, or accepting, processing, or counting ballots from, such never-resident registrants,” and ordering Defendant to, “[i]dentify and cancel all existing voter registrations for never-resident voters.” Plaintiffs replaced the latter request with “Inform all UOCAVA voters of the constitutional prohibition on never-residents voting in Colorado elections.” *Compare* Proposed Order Granting Motion for Preliminary Injunction dated July 10, 2026 with Proposed Order dated July 28, 2026.

5. Also in Plaintiffs' Reply brief, they propose in their final paragraph that if the Court denies the Motion for Preliminary Injunction, the Court could instead enter a declaratory judgment pursuant to C.R.C.P. 57(m) that to vote in Colorado, "one must have actually resided in this State."

6. On August 3, 2026, Plaintiffs moved for a hearing on their Motion.

7. On August 10, 2026, the Court held a hearing on the Motion for Preliminary Injunction.

8. At the hearing, Plaintiffs were represented by counsel Chris Murray, Michael Francisco, and Erin Gust. Plaintiff Davis was present and testified in person. Michael Ambrosini testified by WebEx for Plaintiff RNC. Plaintiff Crank was not present. The Court admitted Exhibits 1-2.

9. Defendant was represented by counsel Peter Baumann and Kyle Holter. Hilary Rudy was present for Defendant and testified in person.

II. FINDINGS OF FACT

A. Michael Ambrosini

10. The Court heard testimony from Michael Ambrosini, Chief of Staff for the Republican National Committee. Previously, Mr. Ambrosini had been the deputy director and director for state party strategy.

11. Mr. Ambrosini verified paragraphs 9, 10, 30, 38, 40, 47, 50, and 64 of the Verified Amended Complaint. The Court understands some of Mr. Ambrosini's verified statements as establishing the RNC's legal arguments, not as factual assertions.

12. The RNC is the national committee of the Republican Party. The RNC is responsible for supporting Republican candidates and party organizations nationwide, including in Colorado, and for allocating funds and resources to federal and state elections conducted in Colorado. The RNC's 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 devotes 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 resources supporting Republican candidates in Colorado, and has an interest in the administration of elections and the competitive environment affecting Republican candidates in Colorado.

13. The RNC believes that rules that allow constitutionally ineligible individuals to cast ballots undermine the integrity of the electoral process.

14. The RNC believes based on a report by Michael McDonald¹ and information from Democrats Abroad that 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.

15. The RNC believes that 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.

16. The RNC spends resources to preserve voter confidence and turnout.

17. The RNC believes that the overseas civilian voting bloc, which is partly comprised of these illegal Never-Resident voters, overwhelmingly supports and votes for Democratic Party candidates.

18. Mr. Ambrosini could not identify specific ways in which the RNC would change its strategic and resource-allocation decisions if the Court were to issue the requested injunction. Mr. Ambrosini stated that it was "speculative" and "hypothetical" to consider. His primary concern is vote dilution.

19. Mr. Ambrosini had not reviewed the Plaintiffs' Motion for Preliminary Injunction.

20. Mr. Ambrosini did not know how many Never Resident voters were in Colorado. He did not know how many intend to vote or how many support democrats.

B. Clerk Sheri Davis

21. The Court heard testimony from Sheri Davis, the clerk and recorder for Douglas County, Colorado. Clerk Davis oversees elections in Douglas County.

22. Clerk Davis verified paragraphs 11, 12, 31, 36, 44, 45, 46, 50, 65, and 66 of the Verified Amended Complaint. The Court understands some of Clerk Davis's verifications as establishing Plaintiffs' arguments, not as factual assertions.

23. Clerk Davis believes there is a conflict between the Colorado Constitution and guidance from Defendant Secretary regarding who may vote in Colorado. She believes this conflict creates competing obligations.

24. Clerk Davis is 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

¹ Mr. McDonald's report was not provided to the Court. Plaintiffs inserted a link to the report, available on Substack, in their Verified Amended Complaint. The Court was not able to access the full report.

substantial interest in ensuring that her vote counts and is not diluted by the inclusion of constitutionally ineligible voters.

25. Clerk Davis believes that the Secretary knows how many Never Resident voters there are in Colorado. She has not confirmed whether the Secretary has such information.

26. Once ballots are cast, there is no mechanism to un-count the votes.

27. Clerk Davis previously believed there were more than 100 Never Resident voters in Douglas County. Upon closer review and research, she now believes since 2015, there have been twenty-four Never Resident voters registered to vote in Douglas County.

28. To do her research, Clerk Davis explained that she pulled records of OUCAVA voters, isolated the data, and sorted it. She reviewed the forms the voters used to register to vote. Only twenty-four of the voters who registered to vote by filling out the Federal Post Card Application (“FCPA”) or Federal Write-In Absentee Ballot (“FWAB”) forms since 2015 checked a box to indicate the person had never lived in the United States.

29. As Clerk Davis understands it, if a potential voter seeks to register online in Colorado, the voter must attest to whether he or she has lived in Colorado for twenty-two days. If the voter has not lived in Colorado for twenty-two days but qualifies as a UOCAVA voter, the voter registers with one of the federal registration forms.

30. The federal forms are paper and are sent from the federal government to the county where the voter claims eligibility. The federal government exclusively controls the FCPA and FWAB forms. Staff for the clerks’ offices enters the data from the form into the state database.

31. The Never Resident voters are a subset of the UOCAVA voters.

32. There are 2,100 UOCAVA voters registered in Douglas County. 300 of those voters used one of the federal forms (instead of the Colorado voter registration website) to register.

33. The number of Never Resident voters could be more than twenty-four in Douglas County. Clerk Davis would have to do more research.

34. Twenty-three of the twenty-four Never Resident voters voted in recent elections. Not all twenty-three voted in every election. Twenty-two of the twenty-three voted online. She does not know if these voters plan to vote in the upcoming election. And if they vote, she does not know how they will vote.

35. There is a process to challenge voter eligibility by which the county clerk determines eligibility. Clerk Davis has had no challenges in the last two election cycles.

36. The state's clerks and recorders receive voting information from the Secretary of State. The Secretary sometimes advises the clerks of court orders, provides information on administration of votes, and issues rules in the summer with regard to upcoming elections.

37. Clerk Davis spent twenty to thirty staff hours researching the Never Resident voters.

38. Clerk Davis was unaware of the Never Resident voter issue until May 2026.

39. Clerk Davis has not inquired of the other sixty-three clerks and recorders across the state as to whether each county also has any Never Resident voters registered to vote and how many there might be.

40. The research that Clerk Davis undertook cost staff time. It would cost other counties to do the same. Other counties are not represented in this case.

41. Each county pays fifty-five percent of the cost to print ballots. Reprinting ballots is costly to counties.

42. Clerks rely on voter affirmations sworn under penalty of perjury regarding a voter's eligibility for registration.

43. If the Never Resident voters were not allowed to vote in Colorado, Clerk Davis does not know where they could vote.

44. If a voter's vote is cancelled improperly, there is no way to rectify the error.

45. The status quo is that for approximately 20 years, Never Resident voters have been allowed to vote in Colorado.

C. Hilary Rudy

46. The Court heard testimony from Hilary Rudy, Deputy Director of the Elections Division within the Colorado Department of State. Ms. Rudy has been in her role since 2013.

47. Ms. Rudy submitted a declaration and supplemental declaration.

48. In 2011, Colorado largely adopted the model Uniform Military and Overseas Voters Act published by the National Conference of Commissioners on Uniform State Laws. Among the provisions of the model act Colorado adopted is section 1-8.3-102(2)(d).

49. In recent years, both the FPCA and the FWAB have included boxes that voters can check indicating that they have "never lived in the United States." Ex. 1 at 1; Ex. 2 at 2. But those boxes are not on older versions of those forms, and many military and overseas voters in Colorado registered to vote using versions of those forms that did not include those boxes. Colorado also

does not track which of those boxes a voter checks in SCORE, the Colorado statewide voter information database. Copies of the FPCA and FWAB are stored in SCORE, but the only way to confirm which of the boxes a voter checked—or if the voter’s form even included a box—is to manually review the image of the FPCA or FWAB in the voter’s file.

50. Voters who register online or using the FPCA or FWAB must affirm that they are a U.S. citizen and meet Colorado’s voter eligibility requirements. For online registrants, there is a check box where they can note their eligibility as a military or overseas voter, but there is no place for those voters to indicate that they have never lived in Colorado or in the United States.

51. The Colorado online registration asks potential voters if they have resided in Colorado for twenty-two days. The federal forms ask the voter to indicate that they have never lived in the United States (if applicable).

52. Based on her experience, her best estimate is that the majority of military and overseas voters in Colorado registered online, or their most recent registration was submitted using an FPCA or FWAB form that did not include a checkbox for “never lived in the U.S.”

53. Voters who originally registered using the version of the FPCA or FWAB that includes the relevant checkboxes, and checked the box indicating that they have never lived in the United States, may have since established residency in Colorado. It is possible for a military or overseas voter who has never lived in Colorado to travel to Colorado, establish residency in Colorado for a short period of time, and then return overseas. If that voter had previously registered using the FPCA, that FPCA form—including, potentially, a checkbox indicating that the voter had “never lived in the United States,” may still be the voter’s most recent registration form. But that voter would have subsequently resided in Colorado.

54. Colorado election officials do not possess information that would enable them to identify whether any particular voter has never resided in Colorado.

55. As of July 16, 2026, there are 8,832 voters in Colorado whose most recent registration document was by FWAB or FPCA. The only way to identify those voters who checked the “never lived in the U.S.” box on either form is to manually review each person’s registration. Such a review would require hundreds of hours of staff time.

56. Such a review would fail to uncover voters who had never resided in the U.S. but registered online or before the FWAB and FPCA forms included the relevant box.

57. Such a review would not identify voters who registered using the FWAB or FPCA forms but whom the county officials processing the registration application did not code as having used that form.

58. As of July 16, 2026, there were 44,575 military and overseas voters in SCORE.

59. Based on Ms. Rudy's experience, whether the Secretary's office or the county clerks contacted only voters who checked the "never lived in the U.S." box, or all military and overseas voters, she would expect a substantial number of voters not to respond to the outreach. Based on her experience, and especially if they were to contact all military and overseas voters, she would expect a substantial number of the voters who do not respond to that outreach to fall outside the class of "Never Resident" voters Plaintiffs challenge in this lawsuit.

60. Based on Ms. Rudy's experience, contacting voters about a change to state law in the period directly before an election is likely to result in significant voter confusion. Here, that concern is particularly acute because voters who are currently absent from Colorado and who meet the twenty-two-day durational residency requirement may confuse a challenge to "never-resident" voters as a challenge to them.

61. Both the Secretary's office and local county clerks are actively preparing for the November 2026 election. Under federal law, ballots must be delivered to military and overseas voters no later than forty-five days before the election; this year that deadline falls on September 19, 2026.

62. Efforts to identify "never-resident" voters will fail to identify all such voters, will likely disenfranchise other voters who are not at issue in this lawsuit, and will require the Secretary's office to divert substantial resources from running the November 2026.

63. Although both active and inactive voters are eligible to vote in Colorado elections, only active voters automatically receive a ballot.

64. As of July 1, 2026, there are 332,829 registered voters in Douglas County, Colorado.

65. Consistent with section 1-8.3-102(2)(d), the Secretary's guidance for military and overseas voters indicates that United States citizens who have "never lived in the United States . . . 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."

66. It would be relatively simple for the Secretary of State's Office to update its UOCAVA guidance, inform local officials, update the Colorado-specific instructions accompanying the FPCA and FWAB, and update public-facing websites to reflect the Court's decision. But each of those proposed remedies would impose burdens on the Secretary of State's office and will almost certainly result in voter confusion. But these requirements would be less burdensome than Plaintiffs' other requests.

67. Ceasing accepting or processing voter registration applications from "never-resident" voters would be incredibly challenging. This remedy creates a different set of problems depending on the method of registration.

68. Most military and overseas voters register or update online. Implementing a process to cease accepting or processing voter registration applications from never-resident voters would require the Secretary to update the online voter registration form to ask voters about their residency status. This would create a new workflow in the online voter registration system, which would require the Secretary of State's office to divert resources from preparing for the November 2026 election to creating this workflow.

69. Based on Ms. Rudy's experience as an election official, she is concerned that requesting this information from overseas voters may result in many eligible voters selecting the "Never Resident" option due to concerns about whether the time they may have spent in Colorado qualifies as residency.

70. Updating the online form poses burdens, but those burdens are minimal compared to efforts to reprogram SCORE, the statewide voter registration database which would likely be necessary to process FPCA and FWAB forms as contemplated by Plaintiffs' requested relief. Ms. Rudy and her team are reviewing the options that might be available to them but given their obligation to retain registration records under state and federal law, and report certain information to the Election Assistance Commission, she thinks it likely that any rejected registration application would need to be stored in SCORE. Storing these applications and the accompanying rejections would require the state to reprogram the workflows in SCORE.

71. Reprogramming SCORE to include this workflow would be an extraordinary undertaking at this stage of the election process. It would require approximately 800 hours of employee work time to develop and regression test and an additional forty hours of county end-user testing. It is Ms. Rudy's opinion that it is not feasible to complete and adequately test this development ahead of the deadline to mail UOCAVA ballots. Moreover, making significant changes to SCORE workflow this late in the election season introduces a risk of human or technological error that could affect even non-UOCAVA voters.

72. Plaintiffs' request that the Secretary inform all UOCAVA voters of the court's decision as to Section 1-8.3-102(2)(d) would also be challenging and create significant voter confusion problems.

73. Based on Ms. Rudy's experience as an election official, she believes such a communication would likely lead eligible voters to refrain from casting a ballot. The rules surrounding state residency are complicated, and receiving a new communication from the state or from county election officials is likely to result in voter confusion.

74. Ms. Rudy believes that Plaintiffs' proposal is overinclusive. Plaintiffs agree that the universe of so-called "Never Resident" voters is a small subset of the total number of military and overseas voters. Yet all military and overseas voters would receive this communication. This effort would impose significant costs on the state and counties depending on who would bear the burden of printing these communications and including them in mailed ballots (although some military and overseas voters receive ballots electronically, others still receive ballots by mail).

75. No matter how such a communication is made, it will impose costs on state or local election officials, require those officials to divert resources from preparing for the November 2026 elections, and result in some degree of voter confusion.

76. Implementing election rules first involves notice and comment. The Secretary's office also provides training via phone calls and emails, explaining how to use databases and processes.

77. If the Secretary issued guidance about not registering certain groups of potential voters, the Secretary's office would talk with the counties and adopt rules so that there is clear guidance for all counties. There would be training.

78. The Secretary has the ability to email all voters.

79. The various counties in Colorado have different resources. Some counties have only a few hundred voters.

III. APPLICABLE LAW

A. Interpretation of statutes and constitutions.

"When interpreting a statute, we seek to give effect to the purpose and intent of the General Assembly in enacting it." *Arapahoe Cnty. Dept. of Human Serv. v. Velarde*, 507 P.3d 518, 521 (Colo. 2022). Courts first read the words and phrases of the statute in context, according to their plain and ordinary meanings. *Doe I v. Colo. Dept. of Pub. Health and Env't*, 451 P.3d 851, 855 (Colo. 2019). "If the language is clear, we apply it as written and need not resort to other tools of statutory interpretation." *Id.* When a statute is unambiguous, "the plain meaning rule – the cardinal rule in the realm of statutory interpretation – is both the first and last canon and nothing more is required of the judicial inquiry." *Carrera v. People*, 449 P.3d 725, 729 (Colo. 2019). The court applies the same standard to interpreting the Constitution. *Beinor v. Indus. Claim Appeals Off.*, 262 P.3d 970, 975 (Colo. App. 2011).

State statutes are presumed constitutional. *Colorado Ass'n of Pub. Emps. v. Lamm*, 677 P.2d 1350, 1357 (Colo. 1984). "Statutes should be interpreted, if possible, to harmonize and give meaning to other potentially conflicting statutes." *People v. Becker*, 55 P.3d 246, 250 (Colo. App. 2002). Likewise, it is presumed that, in enacting a statute, the legislature intended compliance with the United States and Colorado Constitutions. § 2-4-201(1)(a), C.R.S. It is also intended that the entire statute is to be effective and a "just and reasonable result is intended." *Id.* at (1)(b)-(c). The burden to find a statute unconstitutional is beyond a reasonable doubt. *Rathke v. MacFarlane*, 648 P.2d 648, 655 (Colo. 1982).

B. Colorado voting laws.

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.

Colo. Const. art. VII, § 1. The phrase “as may be prescribed by law” is a delegation of authority to the legislature. *In re Leasing of State Lands*, 32 P. 986, 988 (Colo. 1893) (“[W]e think the provision, ‘under such regulations as may be prescribed by law,’ means such reasonable rules as may be prescribed from time to time by the legislative department of the government.”)

To register to vote, a voter must be eighteen years of age or older, a citizen of the United States, and have resided in Colorado “twenty-two days immediately prior to the election at which the person intends to vote.” § 1-2-101(1), C.R.S. Exceptions to the residency requirement appear in section 1-8.3-102.

A “covered voter” means:

- (a) A uniformed-service voter defined in paragraph (a) of subsection (9) of this section who is a resident of this state but who is absent from this state by reason of active duty and who otherwise satisfies this state's voter eligibility requirements;
- (b) An overseas voter who, before leaving the United States, was last eligible to vote in this state and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements;
- (c) An overseas voter who, before leaving the United States, would have been last eligible to vote in this state had the voter then been of voting age and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements; or
- (d) An overseas voter who was born outside the United States, is not described in paragraph (b) or (c) of this subsection (2), and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements 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 is within this state.

§ 1-8.3-102, C.R.S. The law was codified in 2007 as section 1-2-209(1.5), C.R.S.

The Colorado election “code shall be liberally construed so that all eligible electors may be permitted to vote and those who are not eligible electors may be kept from voting in order to prevent fraud and corruption in elections.” § 1-1-103(1), C.R.S.

States are required by 52 U.S.C. § 20302 to permit military and overseas voters to vote in elections for federal office.

Dilution of the votes of duly-registered voters by those ineligible to vote is generally a harm to be avoided by a state's election laws. *See e.g., Colorado Common Cause v. Davidson*, No. 04CV7709, 2004 WL 2360485, at *3 (Colo. Dist. Ct. Oct. 18, 2004).

C. Standards on preliminary injunction.

Colo. R. Civ. P. 65 governs the issuance of preliminary injunctions. “A preliminary injunction is designed to preserve the status quo or protect rights pending the final determination of a cause.” *City of Golden v. Simpson*, 83 P.3d 87, 96 (Colo. 2004); *see also Anderson v. Applewood Water Ass'n, Inc.*, 409 P.3d 611, 616 (Colo. App. 2016). A preliminary injunction is “an extraordinary remedy designed to protect a plaintiff from sustaining irreparable injury and to preserve the power of the district court to render a meaningful decision following a trial on the merits.” *Rathke*, 648 P.2d at 651; *see also Anderson*, 409 P.3d at 616 (holding the purpose of a preliminary injunction is “to prevent irreparable harm prior to a decision on the merits of a case.”). Whether to grant or deny a preliminary injunction “lies within the sound discretion of the trial court.” *Rathke*, 648 P.2d at 653. Injunctive relief should not be indiscriminately granted. *Id.* Rather, injunctive relief should be granted “sparingly and cautiously and with a full conviction on the part of the trial court of its urgent necessity.” *Id.*

Courts are reluctant to grant injunctive relief enjoining the enforcement of a statute enacted as an exercise of legislative authority. “The constitutional basis for judicial deference in this regard is the doctrine of separation of powers, which serves to restrain one branch of government from usurping or restraining the proper exercise of the powers of another branch.” *Id.* at 651.

Rathke sets forth a six-part test for preliminary injunctions. The moving party must demonstrate each of the following:

1. Reasonable probability of success on the merits;
2. Danger of real, immediate, and irreparable injury which may be prevented by injunctive relief;
3. No plain, speedy, and adequate remedy at law;
4. The injunction will not disserve the public interest;
5. Balance of equities favors the injunction; and
6. Injunction will preserve the status quo pending trial on merits.

Id. at 653-54. If each criterion is not met, injunctive relief is not available. *Id.* at 654.

Pursuant to C.R.C.P. 65(d), every order granting an injunction shall be specific in its terms and describe in reasonable detail the acts sought to be restrained. Rule 65 is designed to provide fair notice to enjoined parties of precisely what conduct is prohibited, and to avoid finding parties in contempt based on orders that are too vague to be understood. *Schmidt v. Lessard*, 414 U.S. 473, 476 (1974). Accordingly, an injunction “must be sufficiently precise to enable the party subject to the injunction to conform his or her conduct to the injunction.” *People v. Wunder*, 371 P.3d 785,

790 (Colo. App. 2016). An injunction that leaves important terms undefined may be impermissibly vague in violation of C.R.C.P. 65. *Id.*

An injunction requiring a party to “perform affirmative acts” is “disfavored.” *Trinidad Area Health Ass’n v. Trinidad Ambulance Dist.*, 562 P.3d 928 (Colo. App. 2024); *see also*, *Schrier v. Univ. of Colo.*, 427 F.3d 1253, 1259 (10th Cir. 2005) (“mandatory preliminary injunctions” are “specifically disfavored”).

1. Reasonable probability of success on the merits.

To determine whether a plaintiff has a reasonable probability of success on the merits, a trial court is “obliged to assess the proper legal standard and applicable burden of proof which would be required at a subsequent trial on the merits.” *Rathke*, 648 P.2d at 655. The court must substantively evaluate the issues as it would during trial. *Dallman v. Ritter*, 225 P.3d 610, 621 (Colo. 2010). When assessing the likelihood of success on the merits, “the court should not treat this factor as one that is merely considered and balanced with the comparative injuries of the parties.” *Home Shopping Club, Inc. v. Roberts Broad. Co. of Denver*, 961 P.2d 558, 561 (Colo. App. 1998). Rather, the moving party must demonstrate a reasonable probability of success on the merits as a prerequisite for injunctive relief. *Rathke*, 648 P.2d at 654.

2. Danger of real, immediate, and irreparable injury which may be prevented by injunctive relief.

Irreparable harm is generally defined as “certain and imminent harm for which a monetary award does not adequately compensate.” *Gitlitz v. Bellock*, 171 P.3d 1274, 1279 (Colo. App. 2007) (citation omitted). An injury may be irreparable where “monetary damages are difficult to ascertain or where there exists no certain pecuniary standard for the measurement of the damages.” *Id.* The plaintiff must show that she is “likely to suffer irreparable harm” without injunctive relief. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

The irreparable harm inquiry focuses on future injury. *See Bd. of Cnty. Comm’rs of Pitkin Cnty. v. Pfeifer*, 546 P.2d 946, 949 (Colo. 1976). A court may grant injunctive relief as “a preventive and protective remedy, affording relief against *future*, rather than past, acts.” *Anderson*, 409 P.3d at 616 (quoting *id.*) (emphasis original). However, an injunction cannot issue based on speculative harm to the plaintiff. *See Am. Invs. Life Ins. Co. v. Green Shield Plan, Inc.*, 358 P.2d 473, 475-76 (Colo. 1960).

3. No plain, speedy, and adequate remedy at law.

A preliminary injunction is a form of equitable relief. *Rathke*, 648 P.2d at 651. A trial court will not grant an injunction if a plaintiff has a plain, speedy, and adequate remedy at law. *Home Shopping Club*, 961 P.2d at 562. Injunctive relief is only available if there is no legal remedy that provides “full, complete, and adequate relief.” *Gitlitz*, 171 P.3d at 1279. An action for damages is a remedy at law. *See Boglino v. Giorgetta*, 78 P. 612, 614 (Colo. App. 1904).

Relevant to the question whether an adequate remedy at law exists “include whether damages can be proven with reasonable certainty . . . whether the harm alleged is continuing or will require plaintiff to resort to multiple litigation to effect the legal remedy, and the difficulty of obtaining, by the use of money, a suitable substitute for the promised performance.” *Benson v. Nelson*, 725 P.2d 71, 72 (Colo. App. 1986).

4. The injunction will not disserve the public interest.

A court will only grant injunctive relief if the injunction will not disserve the public interest. *Rathke*, 648 P.2d at 654. When analyzing whether to enjoin a party from violating a state statute, a court may consider the “design of the statute” and its impact on the public interest. *See Kourlis v. Dist. Ct., El Paso Cnty.*, 930 P.2d 1329, 1336 (Colo. 1997). Violation of state law “imbued with great public importance” constitutes an “injury” to the public interest. *See Lloyd A. Fry Roofing Co. v. State Dep’t of Health Air Pollution Variance Bd.*, 553 P.2d 800, 808 (Colo. 1976). The court may “presume that the legislature’s policy choices are made in the public’s interest.” *Boe*, 589 P.3d at 485.

However, an injunction that “could create a greater risk to a greater number of individuals” may “adversely affect the public interest.” *See Trinidad Area Health Ass’n*, 562 P.3d at 936. In *Trinidad*, the court of appeals upheld the denial of a preliminary injunction where compelling an ambulance district to perform around-the-clock interfacility transfers would have inhibited the ambulance district’s ability to promptly respond to 911 calls. *Id.* The court found that compelling the ambulance district to provide these services could create a greater risk to a greater number of individuals, which would adversely affect the public interest. *Id.*

5. Balance of equities favors the injunction.

The balance of equities favors injunctive relief if “the threatened injury to the plaintiff outweighs the threatened harm the preliminary injunction may inflict on the defendant.” *Rathke*, 648 P.2d at 654. When weighing the balance of the equities, a court may consider “equitable considerations having to do with [the public] interest.” *Kourlis*, 930 P.2d at 1337. “Unlike the public-interest factor, which looks at the impact on the broader public, this factor focuses on balancing the harms (or lack thereof) to the parties in the case. This factor militates in favor of granting an injunction if the alleged harm to the nonmoving party is too speculative and the moving party has demonstrated actual harm.” *Boe v. Children’s Hosp. Colorado*, 589 P.3d 478, 486 (Colo. 2026) (citation omitted).

6. Injunction will preserve the status quo pending trial on merits.

The purpose of an injunction is to preserve the status quo. *Home Shopping Club*, 961 P.2d at 563. In cases involving newly enacted rules or regulations, the appropriate “status quo is the status quo ante, that is the status quo before the rule was enacted.” *Sanger v. Dennis*, 148 P.3d 404, 419 (Colo. App. 2006); *Boe*, 589 P.3d at 488. “The status quo is the last uncontested status between

the parties which preceded the controversy.” *Dominion Video Satellite, Inc. v. EchoStar Satellite Corp.*, 269 F.3d 1149, 1155 (10th Cir. 2001).

IV. ANALYSIS

A. Is there a reasonable probability of success on the merits beyond a reasonable doubt?

Having considered the written record and the testimony and argument during the preliminary injunction hearing, the Court concludes that Plaintiffs have not shown a reasonable probability of success on the merits.

Plaintiffs argue that section 1-8.3-102(2)(d) is unconstitutional because it conflicts with the Colorado constitution that requires a potential voter to have resided in Colorado. The Court notes that Plaintiffs’ burden is high. They must show that they have a reasonable probability of showing that section 1-8.3-802(2)(d) is unconstitutional beyond a reasonable doubt. Additionally, because Plaintiffs seek an injunction directing the Secretary to issue communications to UOCAVA voters, this type of mandatory injunction is disfavored.

The Court must consider the entirety of Colorado Const. art. VII, § 1 and construe section 1-8.3-102(2)(d) in a manner that harmonizes the two, if possible. It is apparent that the Constitution delegates the length of residency required for voting in Colorado to determination by the legislature—if the legislature so chooses to take up the issue, as indicated by the word “may.” The Court cannot ignore the phrase “for such time as may be prescribed by law.”

In section 1-2-101(1), the legislature requires that potential voters must have resided in Colorado for “twenty-two days immediately prior to the election at which the person intends to vote.” In section 1-8.3-102(2), the legislature chose to make exceptions to the residency requirement for four classes of potential voters living outside Colorado but who otherwise meet voting requirements: (1) uniformed-service voters; (2) overseas voters; (3) overseas voters who were minors when they lived in Colorado but are now voting age; and (4) overseas voters who were born outside of the United States and who have never lived in Colorado but have a connection to the state by their parent, guardian, spouse, or civil union partner. Each of these four groups must otherwise meet the criteria to be an eligible voter in Colorado (age of eighteen or over and be a United States citizen). Except for the definitions provided in section 1-8.3-102, each of these four groups would not otherwise meet the requirement of residing in Colorado for twenty-two days immediately prior to the election at which the person intends to vote. It is the fourth group—those who have never lived in Colorado, the Never Residents—with whom Plaintiffs take issue.

The Court presumes section 1-8.3-102(2)(d) to be constitutional and must construe the statute to be in harmony with the Constitution if possible. Here, the Constitution gives the authority to the legislature to determine how long a person must reside or have resided in Colorado before the person is eligible to vote. That the legislature excused the residency requirement for the Never Resident group (and the other two groups of overseas voters) does not contradict the Constitution’s mandate and instead reflects a policy choice of the legislature. For a certain class

of voters, the legislature prescribed zero days as the time required for any residency in Colorado. The prescription is not precluded by the Constitution.

The Court finds that it is likely that after a trial on the merits, a court would find that the legislature acted within its authority and in accordance with the Colorado Constitution to allow U.S. citizens, age eighteen and over, who have never resided in the U.S. but have a connection to Colorado through a spouse or parent to vote in Colorado. That is to say, it is unlikely that after a trial on the merits, the Court would find that section 1-8.3-102(2)(d) is unconstitutional beyond a reasonable doubt.

B. Is there a danger of real, immediate, and irreparable injury which may be prevented by injunctive relief?

The Court finds that Plaintiffs have not demonstrated a danger of real, immediate, and irreparable injury which may be prevented by the injunction. As the Court understands Plaintiffs' claims, they primarily claim vote dilution as the harm.

Much of Plaintiffs' Motion discusses harm under the framework of standing, which Defendant does not contest. For example, Plaintiffs discuss the standing of Candidate Crank based on competitive harm and reputational harm. Notwithstanding the fact that Plaintiff Crank did not testify at the hearing and so his allegations were untested, Plaintiffs do not make clear what harm any Plaintiff will suffer for the purposes of considering a preliminary injunction. The Court is unclear how Plaintiffs contend that they will suffer a danger of real, immediate, and irreparable injury that injunctive relief will prevent.

The Court finds Plaintiffs' evidence of harm to be insufficient to support the extraordinary measure of an injunction. Taking into account only Douglas County, if there are 332,829 registered voters and possibly twenty-four Never Resident voters vote in the upcoming election, the percentage of Never Resident voters who may or may not vote is 0.000072 of the total electors. It is highly unlikely that this small percentage of voters will have much impact on the upcoming election, whether such an impact is competitive, reputational, or diluting. Mr. Ambrosini was unable to explain how the RNC's conduct vis a vis voters will change if the Court issues the requested injunction. It is entirely unknown how many other Never Resident voters are registered in Colorado.

Moreover, the requested injunction as narrowed, may not prevent the harm nor address the harm complained of. Plaintiffs ask the Court to 1) enjoin the Secretary from allowing those who check the "never lived in the United States" box to register going forward to vote, and 2) communicate with the OUCAVA voters to advise them that they cannot vote in Colorado if they have not resided in Colorado.

As to the first remedy, such would not prevent the twenty-four already-registered Never Resident voters in Douglas County from voting. It is entirely unknown how many—if any—Never

Residents will seek to register in the five weeks before UOCAVA ballots are mailed. Accordingly, it is speculative that the first request would prevent any harm at all.

As for the second request, the remedy would likely be over-inclusive and dissuade many more of the UOCAVA voters from voting since by definition, all of the UOCAVA voters do not meet the residence requirement of the Colorado Constitution. The injunction may not specifically address the harm purported to be caused by the Never Resident voters.

Section 1-8.3-102(2)(d) has been law in Colorado since 2007. Plaintiffs do not provide evidence or argument what is the real, immediate, and irreparable injury they will suffer such that the Court must take extraordinary action to enjoin the statute in August 2026—just five weeks before the UOCAVA ballots are distributed.

C. Is there no plain, speedy, and adequate remedy at law?

While money damages may not remedy Plaintiffs' claimed harm, Plaintiffs have not provided sufficient evidence or argument regarding why the typical litigation process is insufficient.

D. Will the injunction disserve the public interest?

As discussed by Ms. Rudy, the proposed injunction is likely to cause voter confusion and cost Colorado counties significant time and expense given the upcoming election is close at hand. Further, ballots for UOCAVA voters will be distributed in five weeks. Interference with the election process is unlikely to serve the public interest.

Further, the public interest of allowing military and overseas voters, including Never Resident voters, to vote in Colorado is reflected in section 1-8.3-102(2)(d). In addition to the cost and confusion, the requested injunction disserves the public interest as pronounced by the legislature by restricting certain voters from voting.

E. Does the balance of equities favor the injunction?

As between the parties, the balance of the equities does not favor an injunction. The injunction would be costly in terms of time and money to Defendant and cause voter confusion yet yield disproportionately minimal benefit to Plaintiffs.

F. Will the injunction preserve the status quo pending trial on the merits?

The status quo since 2007 has been that Never Residents may register to vote and vote in Colorado. The requested injunction would upend the status quo by ceasing the registration of Never Residents and advising OUCAVA voters of a court's interpretation of law just weeks before an election. The Court finds that the requested injunction would not preserve the status quo.

* * *

G. Plaintiffs request for a declaratory judgment.

In Plaintiffs' Reply brief in support of their Motion for Preliminary Injunction, they contend that if the Court denies the preliminary injunction, it "should" instead grant a declaratory judgment.

"The court may order a speedy hearing of an action for a declaratory judgment and may advance it on the calendar." C.R.C.P. 57(m). Rule 121 § 1-15(1)(d) precludes a party from including a motion in a reply to the original motion. Rule 121 § 1-15(8) also requires a duty to confer on every motion. The court may disregard arguments made for the first time in a reply brief.

Plaintiffs seek in their Reply brief to the Motion, entirely different relief. Plaintiffs did not confer on the request for a declaratory judgment. These deficiencies are fatal to Plaintiffs' contention that the Court "should" enter a declaratory judgment. If Plaintiffs seek a speedy hearing on a motion for a declaratory judgment, they may seek same through the typical motions practice.

V. ORDER

For the foregoing reasons and authorities, Plaintiffs' Motion for Preliminary Injunction filed July 10, 2026 is DENIED.

SO ORDERED: August 13, 2026.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Ericka F. H. Englert", written over a horizontal line.

Hon. Ericka F. H. Englert
District Court Judge