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DISTRICT COURT, El PASO COUNTY, STATE OF COLORADO 270 S. Tejon Street Colorado Springs, Colorado 80903	DATE FILED April 21, 2026 2:00 PM CASE NUMBER: 2026CV176 FILED IN THE DISTRICT AN COUNTY COURTS OF EL PASO COUNTY, COLORAD APR 21 2026 SHERI KING CLERK OF COURT
Plaintiff(s): **Timothy Leonard**, Registered Republican elector and member of the Colorado Republican State Central Committee v. **Defendant(s)**: **COLORADO REPUBLICAN COMMITTEE (CRC)**, an unincorporated non-profit association.	▲FOR COURT USE ONLY▲
Pro Se Plaintiff(s): Name: Timothy Leonard Address: 1153 Bergen Parkway, Ste. I-150 Evergreen, CO 80439 Phone No: 720-271-7856 Email: tim@tim-leonard.net	Case No: **26CV00176** **DIV.** 2 Division:
FORTHWITH PETITION FOR RELIEF UNDER C.R.S. § 1-1-113 INCORPORATING FEDERAL CONSTITUTIONAL RULING	

NATURE OF THE CASE

1. This case arises from the Colorado Republican Committee's ("CRC") failure to implement the binding directive of the 2024 Colorado Republican State Assembly & Convention ("Assembly & Convention"), the supreme governing body of the Colorado Republican Party under C.R.S. § 1-3-106. What began as

a straightforward direction of internal party governance was compounded by a party chairman's active obstruction of the majority will: denying the CRC membership its right to self-govern and to exercise its constitutionally protected First Amendment Freedom of Association.

2. On three separate occasions (the Assembly & Convention and two different meetings of the CRC's State Central Committee membership) the Party's governing bodies voted overwhelmingly to opt out of Colorado's semi-open primary system. These votes were not cast lightly nor symbolically. They were binding acts of direction by delegates and members who recognize that the semi-open primary system too often produces candidate nominees who do not reflect its party platform and deeply held principles; but promote candidates who look alike, sound alike, and campaign alike not because they share values, but because the semi-open primary rewards mass-marketing strategies over substantive debate. Placing candidate selection in the hands of the Party's representatives at a nominating convention yields candidate nominees who reflect the party's brand and therefore give meaningful choices for Colorado voters.

3. Very recently on March 31, 2026, the United States District Court for the District of Colorado issued a landmark ruling, in *Colorado Republican Party v. Griswold*, Case No. 1:23-cv-01948-PAB-KAS (D. Colo. Mar. 31, 2026) (Judge A. Brimmer) (hereinafter "Griswold"), declaring that Colo. Rev. Stat. § 1-4-702(1)'s three-fourths (75%) supermajority requirement is

unconstitutional as a severe burden on the Colorado Republican Party's First Amendment Right of Association. That ruling eliminated the last colorable legal basis for Defendant's refusal to act.

4. Despite this clear constitutional mandate and the federal court's ruling, Defendant continues to refuse implementation of the opt-out directive. The underlying case presents a straightforward question: when the Assembly & Convention — the supreme governing body of the Colorado Republican Party — along with the CRC majority, has voted overwhelmingly to opt out of the semi-open primary system, may a party chairman disregard that directive and decline to perform the ministerial act of notifying the Secretary of State of the same? The answer is no. This Court should grant the relief requested below.

PARTIES

5. Plaintiff Timothy Leonard is a current member of the CRC and was duly credentialed delegate to the 2024 and 2026 Colorado Republican State Assembly & Convention, which convened on April 6, 2024, and April 11, 2026, respectively, pursuant to C.R.S. §§ 1-1-104(1.3), 1-1-104(6), and 1-3-106.

6. Defendant Colorado Republican Committee ("CRC") is an unincorporated nonprofit association and political party committee, conducting business at

4141 Sinton Rd, Colorado Springs, CO 80907, and is governed by the laws of the State of Colorado.

JURISDICTION AND VENUE

7. This Court has personal jurisdiction over the Parties pursuant to C.R.S. § 13-1-124(1)(a) because the Parties either conduct business in or reside in the State of Colorado.

8. This Court has subject matter jurisdiction over this action under C.R.S. § 1-1-113 and Article VI, § 9 of the Colorado Constitution.

9. This Court has authority to enter declaratory judgment pursuant to C.R.C.P. 57 and C.R.S. § 13-51-101 et seq.

10. Venue is proper in El Paso County pursuant to C.R.C.P. 98 because Defendant conducts business in El Paso County, Colorado.

GENERAL ALLEGATIONS

A. Governing Legal Framework

11. C.R.S. § 1-1-113 empowers any elector to file "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."

12. The CRC is authorized under C.R.S. § 1-4-702 to elect to opt out of the semi-open primary election. Colorado's semi-open primary system was established by Proposition 108, approved by voters in 2016, not by the Colorado General Assembly. Accordingly, any claims purporting to rely on "legislative intent" behind § 1-4-702 are misplaced: the provision did not undergo the deliberate, committee-based scrutiny and drafting process that typically informs legislative intent. Therefore, the statute must be construed on its plain terms.

13. Under C.R.S. § 1-3-106, the Assembly & Convention constitutes the supreme governing body of the Colorado Republican Party. The state central committee of any political party "has full power to pass upon and determine all controversies," and its determinations "shall be final." C.R.S. § 1-3-106(1). Additionally, the Assembly & Convention "may also provide rules that shall govern the state central committee." C.R.S. § 1-3-106(2). This authority is not temporal — nothing in § 1-3-106 limits the duration of the Assembly & Convention's decisions to the hours it is in session. Such an interpretation would render § 1-3-106(2) meaningless, as the Assembly & Convention, which by law may convene only once every two years, would be incapable of binding the CRC in any practical sense. The Colorado Supreme Court has rejected this view in *People ex rel. Lowry v. District Court of the Second Judicial District*, 32 Colo. 15, 74 P. 896, 898 (Colo. 1903), recognizing the Assembly &

Convention's broad and exclusive authority to govern the internal affairs of the political party.

14. Article XIII, Section H of the CRC Bylaws, consistent with C.R.S. § 1-3-106, provides that the Assembly & Convention shall have the power to determine controversies about the regularity of the party organization and "may also provide rules that shall govern the CRC in determining such controversies."

15. Article V, Section B.1.c. of the CRC Bylaws requires the Defendant to "observe and enforce the bylaws and rules of the CRC," including directives of the Assembly & Convention.

16. The relationship between the CRC and its members, including delegates to the Assembly & Convention, is contractual. By joining the organization, a member agrees to submit to its rules and regulations. *P.F.P. Fam. Holdings, L.P. v. Stan Lee Media, Inc.*, 252 P.3d 1, 7 (Colo. App. 2010); *Jorgensen Realty, Inc. v. Box,* 701 P.2d 1256, 1257 (Colo. App. 1985).

17. C.R.S. § 1-3-106 and 1-4-702 must be read harmoniously. *Dep't of Transp. v. Gypsum Ranch Co.,* 244 P.3d 127, 132 (Colo. 2010). C.R.S. § 1-4-702 provides the mechanism for notice to the Secretary of State. C.R.S. § 1-3-106 empowers the Assembly & Convention to set rules governing the CRC, including directing how the CRC must exercise its C.R.S. § 1-4-702 function. Reading these provisions in isolation would allow a party chairman to nullify

the supreme governing body of the Party, inverting the plain statutory hierarchy.

18. Former CRC Chairwoman Brita Horn, who resigned effective on April 17, 2026, failed to obey the majority will of the Party and deliberately withholding the opt-out notification to the Secretary of State for the 2026 election cycle.

19. The Opt-Out Directive adopted by the 2024 Assembly & Convention remains in full force and effect, as it was neither rescinded nor modified by the 2026 Assembly & Convention; former Chairwoman Brita Horn's failure to implement the directive for the 2026 election cycle does not alter its continuing validity or binding effect.

B. The April 6, 2024 Assembly & Convention Directive

20. Two years ago, on April 6, 2024, the 2024 Republican State Assembly & Convention convened in Pueblo, Colorado with 2,143 delegates in attendance and conducted official Party business.

21. By a near-unanimous margin, the delegates voted to adopt the following binding rule governing the CRC:

> *"Recognizing that the Colorado Republican State Assembly & Convention has the ultimate authority to 'provide rules that shall govern the state central committee' in accordance with CRS 1-3-106(2),*

the Colorado Republican State Assembly & Convention hereby orders the Colorado Republican State Central Committee to affirmatively opt out of all open primaries, in perpetuity starting with the 2026 election cycle, in accordance with CRS 1-4-702 while further ordering that any negative votes intended to prevent the passage of the opt-out shall not be counted in the denominator of any vote as well as not counting those members voting in the negative as part of the 'total membership' of the Colorado Republican State Central Committee for purposes of the opt-out vote. The State Central Committee Chairman shall call for the opt-out vote as soon as practicable while being empowered with all reasonable authority to enforce this order. This order may only be rescinded by a future Colorado Republican State Assembly & Convention."

22. This resolution was not advisory. It was the directive to the Party leadership by the supreme governing body of the Party exercising its statutory authority under C.R.S. § 1-3-106(2) to "provide rules that shall govern the state central committee".. That determination is binding and final within the Party. Defendant's subsequent failure to act neither reopens the question nor diminishes the Assembly & Convention's authority. Any argument that the Assembly & Convention's authority expired upon adjournment is both logically untenable and contrary to the plain meaning of C.R.S.§ 1-3-106 — a

statute that would be rendered entirely hollow if its directives dissolved the moment the meeting gavel fell.

23. Colorado Courts have already correctly recognized the finality of Party governing body determinations. On August 16, 2024, an Arapahoe Court Order in *Williams v. Pallozzi & Watkins*, Judge Thomas W. Henderson explained that C.R.S. § 1-3-106 "provided that a state central committee of any political party had full power to pass on and determine all controversies . . . and that all such determinations by the state central committee 'shall be final.'" The same principle applies with even greater force to the Assembly & Convention, which the statute explicitly identifies as the supreme governing body of the Party. C.R.S. § 1-3-106(1); *Nicol v. Bair*, 626 P.2d 761 (Colo. App. 1981).

C. The CRC's Role Becomes Ministerial Once the Assembly Has Spoken

24. When the Assembly & Convention, the Party's highest authority, has resolved a substantive matter, the subordinate body's role is purely ministerial. Colorado law compels performance of ministerial duties. *Sherman v. Colo. Springs Planning Comm'n*, 763 P.2d 292, 294 (Colo. 1988) (mandamus proper where discretion has been removed by a higher authority); *Smith v. Miller*, 384 P.2d 738 (Colo. 1963) (mandamus issued where officials refused to perform a statutory duty). CRC officers "have no right to refuse to perform ministerial duties prescribed by law because of any

apprehension on their part that others may be injuriously affected." *People v. Ames,* 51 P. 426 (Colo. 1897); *Ames v. People ex rel. Temple,* 56 P. 656 (Colo. 1899).

25. Here, in April 2024, the Assembly & Convention resolved the substantive issue: directing the opt-out by redefining the composition of "total membership." The CRC's only remaining duties were to hold the opt-out vote per the directive and to notify the Secretary of State. That was not discretionary; it was a required ministerial act. The CRC cannot exercise discretion to override a determination that the statute declares final.

26. Critically, both former Chairwoman Horn and the CRC's former legal counsel have acknowledged in prior legal proceedings that the Assembly & Convention's directive, if implemented as written, would produce an opt-out outcome. This concession forecloses any claim of genuine legal uncertainty about the directive's operative effect. The only remaining question is whether Defendant may refuse to carry out a ministerial act whose result all parties agree would flow from proper compliance. The answer under Colorado law is no.

D. Subsequent CRC Votes Affirming the Directive

27. A year ago, on March 29, 2025, the CRC and its leadership convened an official meeting where voting members unanimously adopted meeting minutes declaring:

"Nearly a unanimous number of delegates voted in favor. Chairman Dave Williams announced that the 2024 State Assembly and Convention does hereby order the Central Committee to opt us out of all open primaries in perpetuity."

This unanimous adoption of the factual record constitutes the CRC's own formal recognition that the Assembly & Convention's directive is operative.

28. Again, on September 27, 2025, a majority of the CRC's membership voted affirmatively on the following question:

"In accordance with Article XIII, Section H, C.R.S. § 1-3-106, and the opt-out order that was overwhelmingly passed by the 2024 State Assembly & Convention, shall the Colorado Republican Party opt out of the 2026 open primary?"

29. The CRC majority voted "Yes," reaffirming that the official policy of the organization is to comply with the Assembly & Convention's opt-out directive. The Defendant cannot override that institutional will.

30. Accordingly, three separate governing bodies of the Colorado Republican Party — the 2024 Assembly & Convention, and the CRC on two separate occasions — have expressed the overwhelming majority will to opt out of the semi-open primary. This consistent expression of the Party's will is both lawful and constitutionally protected.

E. Chairwoman Horn's Failure to Act and Its Consequences

31. Despite the binding directive of the Assembly & Convention and the subsequent affirmative CRC votes, the Defendant, by inaction from its former chairwoman, refused to implement the opt-out.

32. Defendant failed to notify the Colorado Secretary of State of the Party's decision to opt out of the semi-open primary for the 2026 election cycle. The statutory deadline for that notification, October 1, 2025, has passed as a direct result of former Chairwoman Brita Horn's refusal to perform a ministerial duty. Absent judicial intervention, the same risk of noncompliance will recur for the 2028 election cycle, for which the statutory opt-out deadline is October 1, 2027.

33. The Assembly & Convention cannot reconvene prior to the October 1, 2027 deadline to enforce or implement its directive, and internal Party mechanisms are inadequate to compel timely action by Party officers. The events of the 2026 cycle demonstrate that a single noncompliant chair can nullify the will of the Party's governing bodies by inaction. Without judicial relief, the same breakdown is likely to recur, rendering the Assembly & Convention's directive effectively unenforceable. Accordingly, no adequate internal remedy exists, and judicial intervention is necessary to preserve and give effect to the Party's lawful and binding decision for the 2028 election cycle.

F. The Griswold Federal Ruling and Its Impact on This Case

34. On March 31, 2026, United States District Judge Philip A. Brimmer issued a dispositive ruling in *Colorado Republican Party v. Griswold,* No. 1:23-cv-01948-PAB-KAS (D. Colo. Mar. 31, 2026), granting the Colorado Republican Party's Motion for Partial Summary Judgment and denying the Secretary of State's Motion for Summary Judgment.

35. The Griswold Ruling held that Colorado's semi-open primary system, as implemented by Proposition 108, imposes a severe burden on the Colorado Republican Party's First Amendment right of association under the Anderson-Burdick balancing test. The court found compelling undisputed evidence that, as of 2025, over half of Colorado's active voters were unaffiliated, and that in some counties, such as Denver County in 2024, unaffiliated voters outnumbered Republican voters in Republican primary elections (27,977 to 18,350), respectively. When more non-party members vote in a primary than party members, the Party's right to exclude members within its membership has severely compromised its freedom to associate.

36. In addition and most critically, the Griswold Ruling declared C.R.S. § 1-4-702(1) unconstitutional to the extent it requires "at least three-fourths of the total membership of the party's state central committee" to vote in favor of opting out. The court found this threshold is "more akin to a hurdle to amend a foundational governing document, such as the United States Constitution,

than a traditional means of regulating political parties." Because no major political party has ever successfully invoked this provision, and votes in favor of opting out have never exceeded two-thirds (66%) of CRC membership, the court found the three-fourths (75%) requirement "makes it highly unlikely that an opt-out motion will succeed" — itself constituting a severe burden on associational rights.

37. The Griswold Ruling rejected both state interests asserted by the Secretary of State. The state's perceived interest in increasing voter participation with this method cannot override a severe burden on a party forced to associate with those who do not share its views, principles, or membership platform. The three-fourths (75%) threshold does not serve a legitimate stability interest because the Secretary of State offered no explanation for why a supermajority, rather than a majority, is required, or why non-attending CRC members' votes must be counted in the denominator for purposes of a vote count.

38. The Griswold Ruling further held that if major political parties have "a reasonable ability to opt out of the semi-open primary, the associational burden of Proposition 108 would not exist." The remedial implication is clear: the Colorado statutory scheme must be construed to provide the Party with a realistic, constitutionally adequate opt-out mechanism. The majority votes already achieved by the CRC on multiple occasions satisfy any constitutionally permissible opt-out standard.

39. The Griswold Ruling confirms and amplifies the constitutional foundation of Plaintiffs' core claims. The Assembly & Convention's opt-out directive must be understood not merely as an internal party rule but as a constitutionally compelled correction to an unconstitutional barrier. Defendant cannot shield their refusal to act behind a statutory provision that a federal court has declared unconstitutional.

FIRST CLAIM FOR RELIEF

Failure to Comply with a Political Party Final Determination

Vis a vis C.R.S. § 1-3-106

40. Plaintiffs incorporate all prior paragraphs as if fully set forth herein.

41. The Assembly & Convention's April 6, 2024 resolution was a final determination under C.R.S. § 1-3-106(2) directing the CRC to opt out of Colorado's semi-open primary system. Under that statute, the Assembly & Convention, as the supreme governing body of the Party, has authority to "provide rules that shall govern the state central committee." This body exercised that statutory authority when it voted, almost unanimously, among 2,143 delegates, to direct the CRC to implement the opt-out.

42. That determination was not advisory. It was binding and final within the Party. Under C.R.S. § 1-3-106 and *People ex rel. Lowry*, no subordinate entity or officer may disregard it. Allowing a subordinate or rogue chairman to

nullify the supreme governing body's directive would invert the statute's plain hierarchy. *Williams v. Pallozzi & Watkins* (Arapahoe Cnty. Dist. Ct. Aug. 16, 2024).

43. The Assembly & Convention's authority does not expire upon adjournment. Nothing in C.R.S. § 1-3-106 imposes a temporal limitation on its directives. An interpretation under which Assembly & Convention resolutions dissolve immediately upon adjournment would render § 1-3-106(2) entirely meaningless, since the Assembly & Convention convenes by statute only once every two years and could never produce a durable rule.

44. C.R.S. §§ 1-3-106 and 1-4-702 must be read harmoniously. C.R.S. § 1-4-702 provides the mechanism for notice to the Secretary of State. C.R.S. § 1-3-106 empowers the Assembly & Convention to set rules governing the CRC, including directing how the CRC must exercise its C.R.S. § 1-4-702 function. The Assembly & Convention's April 6, 2024 resolution was precisely such a rule: it ordered the CRC to opt out "as soon as practicable" by redefining "total membership." Reading these statutes together gives effect to both. Because C.R.S. § 1-4-702 originated as a ballot initiative, not a legislative act, no claim of "legislative intent" behind its three-fourths (75%) threshold can override this harmonious reading.

45. The U.S. Supreme Court has repeatedly affirmed that political parties enjoy a First Amendment right to determine the manner in which they select their

nominees. *California Democratic Party v. Jones*, 530 U.S. 567, 574 (2000); *Tashjian v. Republican Party of Conn.*, 479 U.S. 208 (1986). The Party's right to define its membership and to limit participation to those who share its values "presupposes the freedom to identify the people who constitute the association, and to limit the association to those people only." (*Jones*, 530 U.S. at 574.) The Assembly & Convention's adoption of its voting standard for its opt-out directive is a lawful and constitutionally protected exercise of that right. The recent Griswold Ruling that the three-fourths (75%) threshold is unconstitutional independently validates this approach: the Party was constitutionally justified in adopting an alternative standard that makes opt-out achievable by majority will.

46. Allowing Defendant to nullify the binding determinations of the Assembly & Convention and the CRC majority would place state law in direct conflict with the Party's First Amendment rights and would constitute unconstitutional state interference with party autonomy.

47. Under C.R.S. § 13-51-101 et seq. and C.R.C.P. 57, Plaintiffs are entitled to a declaration that the Assembly & Convention's April 6, 2024, opt-out directive constitutes a final and binding determination under C.R.S. § 1-3-106, and that Defendant's refusal to implement it is unlawful.

SECOND CLAIM FOR RELIEF

Mandamus — C.R.S. § 1-1-113 and C.R.C.P. 106(a)(2)

48. Plaintiffs incorporate all prior paragraphs as if fully set forth herein.

49. Under Colorado law, a writ of mandamus is appropriate when: (1) Plaintiffs have a clear right to the relief sought; (2) the defendant has a clear duty to perform the act requested; and (3) no other adequate remedy exists. C.R.S. § 1-1-113 expressly empowers courts to grant mandamus in election-related controversies.

50. Plaintiff has a clear right to have the Assembly & Convention's directive implemented. The 2,143 delegates who passed the April 6, 2024, opt-out directive exercised their statutory authority as the supreme governing body of the Party. Their directive is binding and final. Defendant's ongoing failure deprives Plaintiff of a right secured by statute and by the First Amendment.

51. Defendant has a clear legal duty to perform the ministerial act of notifying the Secretary of State of the Party's opt-out. Once the Assembly & Convention resolved the substantive question, no discretion remained with the CRC. The CRC's role is purely ministerial: to hold the opt-out vote per the directive and to notify the Secretary of State. *Sherman v. Colo. Springs Planning Comm'n*, 763 P.2d 292, 294 (Colo. 1988); *Smith v. Miller*, 384 P.2d 738 (Colo. 1963). CRC officers have no right to refuse to perform ministerial duties simply because they disagree with the result. *People v. Ames*, 51 P. 426 (Colo. 1897); *Ames v. People ex rel. Temple*, 56 P. 656 (Colo. 1899).

52. No other adequate remedy exists to implement the directive of the Assembly & Convention mandate after the former Chairman failed to meet the October 1, 2025 notice deadline. The Assembly & Convention cannot reconvene prior to the next October 1st deadline in 2027 to enforce or implement its directive, and internal Party mechanisms are inadequate to compel timely action by Party officers. The events of the 2026 cycle demonstrate that a single noncompliant chair can nullify the will of the Party's governing bodies by inaction. Without judicial relief, the same violation is likely to recur, rendering the Assembly & Convention's directive effectively moot. Accordingly, no adequate internal remedy exists, and judicial intervention is necessary to preserve and give effect to the Party's lawful and binding decision for the 2028 election cycle. Absent judicial intervention, the Plaintiff's rights are hollow.

53. The Griswold Ruling provides additional and independent grounds for mandamus relief. The three-fourths (75%) opt-out threshold having been recently declared unconstitutional, any reliance by Defendant on that threshold to justify non-compliance is legally untenable. Defendant cannot shield refusal to act behind a statutory provision that federal courts have declared unconstitutional. Moreover, a majority vote of the CRC — the standard that survives after excising the unconstitutional three-fourths (75%) requirement — has already been achieved on multiple occasions

(March 29, 2025, and September 27, 2025). There is no lawful basis remaining for the CRC's refusal.

54. Therefore, a writ of mandamus under C.R.S. § 1-1-113 is proper to compel Defendant to immediately perform the ministerial duty to implement the opt-out and to notify the Secretary of State accordingly for the 2028 election cycle.

THIRD CLAIM FOR RELIEF

Breach of Contract

55. Plaintiff incorporates all prior paragraphs as if fully set forth herein.

56. A contract existed between the parties. The provisions of the CRC Bylaws and the directives of the State Republican Assembly & Convention "constitute a contract between the [member] and the [entity]." *P.F.P. Fam. Holdings, L.P. v. Stan Lee Media, Inc.*, 252 P.3d 1, 7 (Colo. App. 2010). By joining the CRC or participating as a credentialed delegate, each member and delegate agrees to submit to the organization's rules and regulations and assumes the obligations incident to membership. *Jorgensen Realty, Inc. v. Box,* 701 P.2d 1256, 1257 (Colo. App. 1985).

57. The elements of breach of contract are satisfied. A contract existed; Plaintiff performed; Defendant failed to perform; and Plaintiff was damaged. *Horton v. Bischoff & Coffman Constr., LLC*, 217 P.3d 1262 (Colo. App. 2009); *Univ. of*

Denver v. Doe, 547 P.3d 1129 (Colo. 2024); *Western Distrib. Co. v. Diodosio*, 841 P.2d 1053 (Colo. 1992).

58. Defendant breached its contractual obligations in the following respects:

a) failing to implement the perfunctory and ministerial vote required by the April 6, 2024, Assembly & Convention directive.

b) failing to convince a future Colorado Republican State Assembly & Convention to rescind the opt-out order (meaning it cannot simultaneously claim the order is inoperative while refusing to comply with it), and

c) continuing failure to notify the Secretary of State of the opt-out in violation of Article V, Section B.1.c. of the Bylaws, which requires a chairman to "observe and enforce the bylaws and rules of the CRC," including directives of the Assembly & Convention.

59. Defendant's failure to comply with the CRC Bylaws and with the rules, orders, and directives of the Assembly & Convention constitutes a breach of contract causing concrete and ongoing harm to Plaintiff whose rights, as a delegate and CRC member, have been materially impaired.

FOURTH CLAIM FOR RELIEF

Declaratory Relief

Unconstitutionality of Three-Fourths (75%) Opt-Out Threshold

60. Plaintiffs incorporate all prior paragraphs as if fully set forth herein.

61. This claim is brought pursuant to C.R.S. § 13-51-101 et seq. and C.R.C.P. 57. Plaintiffs seek a declaration that, in light of Griswold Ruling and the First Amendment principles it applies, any interpretation of C.R.S. § 1-4-702(1) that would require the CRC to satisfy a three-fourths (75%) supermajority of total membership in order to implement the Assembly & Convention's opt-out directive is unconstitutional as applied to the Colorado Republican Party.

62. The Griswold Ruling found, as a matter of federal constitutional law, that the three-fourths (75%) opt-out threshold is "an unusual and difficult barrier" constituting a severe burden on the Party's First Amendment right of association. No major political party has ever successfully opted out under this provision; the threshold is described by Party members as "nearly impossible" or "very difficult" to achieve; and it is "more akin to a hurdle to amend a foundational governing document . . . than a traditional means of regulating political parties."

63. Because the three-fourths (75%) threshold is unconstitutional, the Assembly & Convention's adoption of a reasonable voting standard and opt-out directive operates as a constitutionally valid correction. If the default statutory standard is itself unconstitutional, the Party's governing bodies were not only empowered but constitutionally justified in adopting an alternative majority-based standard.

64. The Griswold Ruling held that if major political parties have "a reasonable ability to opt out of the semi-open primary, the associational burden of Proposition 108 would not exist." The majority votes already achieved by the CRC satisfy any constitutionally permissible opt-out standard. The court's remedial reasoning confirms that the opt-out mechanism must be made workable, and the Assembly & Convention's directive, implemented through majority vote, achieves precisely that result.

65. Accordingly, Plaintiff is entitled to a declaration that:

a) the three-fourths (75%) threshold in C.R.S. § 1-4-702(1) is unconstitutional as applied to the Colorado Republican Party;

b) the Assembly & Convention's opt-out directive is a valid and binding Party rule;

c) the affirmative majority votes of the CRC on March 29, 2025, and September 27, 2025, are legally sufficient to satisfy any constitutional opt-out standard; and

d) the CRC is required to notify the Secretary of State that the Party had opted out of the semi-open primary for the 2028 election cycle moving forward.

REQUEST FOR RELIEF

66. WHEREFORE, Plaintiff respectfully requests that this Court:

A. A judgment ordering Defendant to immediately implement the opt-out directive passed on April 6, 2024 by the Assembly & Convention, and to notify the Colorado Secretary of State that the Colorado Republican Party has opted out of the semi-open primary for the 2028 election cycle.

B. A writ of mandamus under C.R.S. § 1-1-113 compelling Defendant to immediately perform its ministerial duty of notifying the Secretary of State of the Party's opt-out decision.

C. A declaratory judgment that:

(a) the three-fourths (75%) threshold in C.R.S. § 1-4-702(1) is unconstitutional as applied to the Colorado Republican Party;

(b) the Assembly & Convention's opt-out directive is a valid and binding Party rule;

(c) majority approval, as already achieved on multiple occasions, is the constitutionally permissible standard for implementing the opt-out; and

(d) the Assembly & Convention's authority under C.R.S. § 1-3-106 survives adjournment and binds the CRC unless rescinded by a future Assembly & Convention.

D. Leave to amend the Complaint if the Court finds any aspect of the pleading insufficient, in the interest of justice and consistent with C.R.C.P. 15(a).

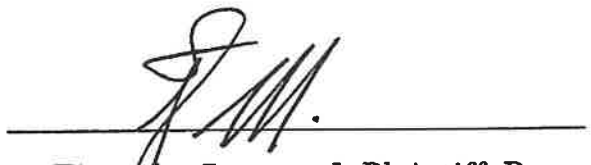
E. Such other and further relief as this Court deems just and proper to ensure compliance with the Assembly & Convention's directive,

preserve the Party's constitutional right of association, and maintain the integrity of these proceedings.

VERIFICATION

67. I, **Timothy Leonard**, declare under penalty of perjury under the laws of the State of Colorado that the factual allegations contained therein are true and correct to the best of my knowledge, information, and belief.

Respectfully submitted this 21st day of April 2026 at El Paso County, Colorado.



Timothy Leonard, Plaintiff, Pro se
Registered Republican elector and
member of the Colorado Republican State
Central Committee

To:

Colorado Republican Committee
Email: Info@cologop.org
Eric Grossman, Acting Chairman
Email: Eric@cologop.org
4141 Sinton Rd,
Colorado Springs, CO 80907