

DISTRICT COURT, JEFFERSON COUNTY, STATE OF COLORADO Jefferson County Combined Courts 100 Jefferson County Parkway Golden, CO 80401	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>Petitioner(s): JOAN JACOBSON and JACOB LABURE</p> <p>v.</p> <p>Respondent(s): PAM ANDERSON, as Clerk and Recorder for the County of Jefferson, State of Colorado; SCOTT GESSLER, as Secretary of State for the State of Colorado; COLORADO REPUBLICAN STATE CENTRAL COMMITTEE; JEFFERSON COUNTY REPUBLICAN CENTRAL COMMITTEE; and JANE BARNES</p>	
Attorneys for Petitioners: Edward T. Ramey, No. 6748 Heizer Paul LLP 2401 15 th Street, Suite 300 Denver, Colorado 80202 Phone Number: (303) 376-3712 FAX Number: (303) 595-4750 E-mail: eramey@hpfirm.com ;	Case Number: Division/Courtroom:
VERIFIED PETITION PURSUANT TO C.R.S. §1-1-113	

Joan Jacobson and Jacob LaBure, through counsel, state as follows:

I. Introduction

1. This action involves an effort by a major political party to nominate a candidate for the Colorado House of Representatives for the 2014 general election in a manner not in compliance with the Colorado Uniform Election Code, C.R.S. §1-1-101, *et seq.* Petitioners are eligible electors, affiliated with another political party, from the House District for which this

improper nomination has been made. Petitioners seek an Order directing the Clerk and Recorder, as the designated election official, and the Secretary of State to comply with and enforce the applicable provisions of the Colorado Uniform Election Code and, in connection therewith, directing them not to certify or otherwise include the name of a Republican Party nominee on the 2014 general election ballot for the office of Representative from Colorado House District 23.

2. Petitioners bring this action to resolve an apparent controversy and divergence in application regarding the operative provisions of the Colorado Uniform Election Code, and to assure that major political parties seeking to place nominees on the general election ballot in Colorado, together with the state's election officials, are working from a common understanding of these requirements.

II. Jurisdiction and Venue

3. Jurisdiction over this action lies with this Court pursuant to Colo. Const. art. VI, §9(1), and C.R.S. §1-1-113(1).

4. Venue is proper in the District Court for the County of Jefferson pursuant to C.R.C.P. 98(b)(2) and (c) as the Jefferson County Clerk and Recorder is a public officer for the County of Jefferson, three of the Respondents reside in the County of Jefferson, and the subject of Petitioners' claims arises in the County of Jefferson.

III. Parties

5. Petitioners Joan Jacobson and Jacob LaBure ("Petitioners") are eligible electors for the 2014 general election for Colorado House of Representatives District 23, situated in Jefferson County, Colorado, as defined in C.R.S. §1-1-104(16) and pursuant to C.R.S. §§1-2-101 and 1-2-201(1). Petitioners are, and have been at all times pertinent hereto, registered as affiliated with the Democratic Party.

6. Respondent Pam Anderson (the "Clerk and Recorder") is the Clerk and Recorder for the County of Jefferson, State of Colorado, and, as such, is the chief election official for Jefferson County and the Chief Designated Election Official for coordinated elections in Jefferson County pursuant to C.R.S. §§1-1-104(6.5), (8), 1-1-110(3), 1-5-203, and 1-7.5-103(1).

7. Respondent Scott Gessler (the "Secretary of State") is the Secretary of State for the State of Colorado, and, as such, is responsible for supervision of general elections in the State of Colorado and for enforcement of the provisions of the Colorado Uniform Election Code pursuant to C.R.S. §1-1-107(1)(a) and (b), and for general election ballot certifications pursuant to C.R.S. §1-5-203.

8. Respondent Colorado Republican State Central Committee (hereinafter referred to as the "Republican Party") is the primary administrative organ of the Republican Party in the State of Colorado, a major political party as defined in C.R.S. §1-1-104(22). As the candidacy

certification at issue in this case involves a nomination by the Republican Party, it may claim an interest in the subject matter of this action.

9. Respondent Jefferson County Republican Central Committee (hereinafter referred to as the “Jefferson County Republican Party”) is the primary administrative organ of the state Republican Party in Jefferson County, Colorado, within which Colorado House of Representatives District 23 is wholly located. As such, it may claim an interest in the subject matter of this action.

10. Jane Barnes is, upon information and belief, an individual seeking or consenting to have her name placed upon the 2014 general election ballot for the Colorado House of Representatives from House District 23 in Jefferson County, Colorado, as the nominee of the Republican Party. As such, she may claim an interest in the subject matter of this action.

IV. Factual Allegations

11. The Jefferson County Republican Party held its 2014 county assembly on March 22, 2014, pursuant to C.R.S. §1-4-602.

12. At the county assembly, Nathaniel (aka “Natt” or “Nate”) Marshall received the assembly’s only designation as a candidate for the Republican Party nomination for the Colorado House of Representatives from House District 23 pursuant to C.R.S. §1-4-601.

13. Under pressure from the Republican Party and the Jefferson County Republican Party – upon information and belief in the wake of discovering that its designated nominee had a lengthy arrest record and a history of publicly espousing white supremacist and anti-gay commentary offensive to some members of the party – Mr. Marshall executed a Statement of Withdrawal of his candidacy on April 4, 2014, which Statement was received by the Secretary of State on April 9, 2014 (Exhibit 1).

14. Mr. Marshall’s withdrawal – occurring at least 76 days before the primary election scheduled for June 24, 2014 – created an immediate vacancy in the county assembly’s party designation for the House District 23 nomination under C.R.S. §1-4-1002(1) (“vacancy in a party designation occurring after the party assembly at which the designation was made and no later than sixty-eight days before the primary election”).

15. Pursuant to C.R.S. §1-4-1002(5), the party assembly vacancy committee may fill a vacancy in designation under C.R.S. §1-4-1002(1), and file a certificate of designation and written acceptance by the vacancy designee, “no later than the close of business on the sixty-seventh day before the primary election.”

16. The sixty-seventh day before the 2014 primary election was April 18, 2014.

17. No vacancy appointment was made for the House District 23 designation by the Jefferson County Republican Party assembly vacancy committee, nor was a vacancy committee meeting even noticed or convened, prior to close of business on April 18, 2014.

18. The Jefferson County Republican Party ultimately convened a vacancy committee on or about April 28, 2014 (Exhibit 2), and purported to designate a new candidate – Ms. Barnes – to fill the vacancy in the House District 23 assembly designation. Ms. Barnes ultimately filed a candidate affidavit with the Secretary of State on May 2, 2014 (Exhibit 3).

19. Pursuant to C.R.S. §1-4-1002(1) and (5), the vacancy committee designation described in paragraph 18, above – as well as any certificate of designation to fill the vacancy and written acceptance resulting therefrom – were untimely and are of no legal effect.

20. Upon information and belief, no petitions were timely filed to place a candidate on the ballot for the Republican Party primary election for House District 23 by petition pursuant to C.R.S. §1-4-801.

21. Candidates for major party nominations to be made at a primary election may only be placed on the primary election ballot by certificate of designation by assembly, to include timely vacancy designation, or by properly and timely filed petition, pursuant to C.R.S. §1-4-102.

22. Upon information and belief, the name of the Jefferson County Republican Party's purported vacancy designee was nevertheless placed upon the primary election ballot for the Republican Party primary election conducted on June 24, 2014, and such purported designee was declared to have received that party's nomination for the House District 23 seat for the 2014 general election.

23. Pursuant to C.R.S. §1-4-101(3), "Neither the Secretary of State nor any county clerk and recorder shall place on the official general election ballot the name of any person as a candidate of any major political party who has not been nominated in accordance with the provisions of this article"

24. No person has been nominated by the Republican Party in accordance with the provisions of C.R.S. title 1, article 4 for the House District 23 seat.

25. Certification of the name of a Republican Party candidate to the 2014 general election ballot for the House District 23 seat would be a "breach or neglect of duty or other wrongful act" in violation of the Colorado Uniform Election Code.

26. As eligible electors for the 2014 general election for the House District 23 seat, Petitioners are entitled to entry of an Order directing the Secretary of State and the Clerk and Recorder not to certify or otherwise include the name of a Republican Party candidate for House of Representatives District 23 on the 2014 general election ballot.

V. Claim for Relief

27. Paragraphs 1 through 26, above, are incorporated herein by reference.

28. Petitioners are entitled to entry of an Order pursuant to C.R.S. §1-1-113 directing the Secretary of State and the Clerk and Recorder not to certify or otherwise include the name of a Republican Party nominee for House of Representatives District 23 on the 2014 general election ballot.

VI. Prayer for Relief

WHEREFORE, Petitioners pray for relief as follows:

A. For an Order pursuant to C.R.S. §1-1-113 directing the Secretary of State and the Clerk and Recorder not to certify or otherwise include the name of a Republican Party nominee for House of Representatives District 23 on the 2014 general election ballot; and

B. For such further relief as the Court deems appropriate.

Respectfully submitted this 29th day of July, 2014.

HEIZER PAUL LLP

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Attorneys for Petitioners

In accordance with C.R.C.P. 121 § 1-26(7), a printed copy of this document with original signatures is being maintained by the filing party and will be made available for inspection by other parties or the Court upon request.

VERIFICATION

Joan Jacobson, being first duly sworn upon oath, states and affirms that the factual allegations set forth in this Petition are true and correct to the best of her/his information, knowledge, and belief.

Joan Jacobson

State of Colorado)
) ss.
County of Denver)

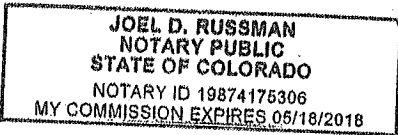
Subscribed and sworn to before me by Joan Jacobson, in the County of Denver, State of Colorado, this 25th day of July, 2014.

Witness my hand and official seal.

My Commission Expires: May 18, 2018.

Joel D. Russman

Notary Public



VERIFICATION

Jacob LaBure, being first duly sworn upon oath, states and affirms that the factual allegations set forth in this Petition are true and correct to the best of her/his information, knowledge, and belief.

State of Colorado)
) ss.
County of Jefferson)

Subscribed and sworn to before me by Jacob B. Labure, in the County of Jefferson, State of Colorado, this 26th day of July, 2014.

Witness my hand and official seal.

My Commission Expires: 01-15, 2017

SARAH RUTH ANDERSON
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20094001793
MY COMMISSION EXPIRES JANUARY 15, 2017

Notary Public