

<p>DISTRICT COURT, DENVER CITY & COUNTY, COLORADO 1437 Bannock Street Denver, CO, 80202</p> <hr/> <p>TRISHA CALVARESE, individually and as a candidate for U.S. House of Representatives, Colorado Congressional District 4, and LISA CHOLLET, in her official capacity as Chair of the Colorado Democratic Party 4th Congressional District Central Committee, Petitioners,</p> <p>v.</p> <p>SHAD MURIB, in his official capacity as Chair of the Colorado Democratic Party, COLORADO DEMOCRATIC PARTY, and JENA GRISWOLD, in her official capacity as Colorado Secretary of State, Respondents,</p> <p>And</p> <p>EILEEN LAUBACHER, individually and as a candidate for the U.S. House of Representatives, Colorado Congressional District 4, Intervenor.</p>	<p>DATE FILED March 21, 2026 6:31 PM</p> <hr/> <p>Case Number: <u>2026CV30772</u></p> <p>Division: <u>466</u></p>
<p>ORDER ON FIRST AMENDED VERIFIED PETITION FOR RELIEF UNDER C.R.S. § 1-1-113 AND FOR DECLARATORY AND INJUNCTIVE RELIEF</p>	

This matter comes before the Court on Petitioners Trisha Calvarese’s and Lisa Chollet’s First Amended Verified Petition for Relief Under C.R.S. § 1-1-113 and for Declaratory Judgment (“Amended Petition”).

The Court has reviewed the Amended Petition; the Responses of Respondents Colorado Democratic Party (“CDP”), Shad Murib, in his official capacity as Chair of the Colorado Democratic Party, and Jena Griswold, in her official capacity as Colorado Secretary of State; the Response of Intervenor Eileen Laubacher; and Petitioners’ Reply. Having also reviewed the case file and the applicable authorities,

and having conducted a hearing on the Amended Petition on March 16-17, 2026, the Court finds, concludes, and orders as follows:

BACKGROUND

Petitioner Trisha Calvarese brings this action individually and as a candidate for the United States House of Representatives for Colorado’s 4th Congressional District. Petitioner Lisa Chollet brings this action in her official capacity as the Chair of the Colorado Democratic Party 4th Congressional District Central Committee.

Ms. Calvarese is seeking access to the Democratic primary ballot for Colorado’s 4th Congressional District (“CD4”). The Intervenor, Ms. Laubacher, also seeks access to the Democratic primary ballot for CD4.

This dispute centers around Mr. Murib’s decision to change the date of the Democratic Party multicounty congressional district assemblies from March 26, 2026 to March 27, 2026. The date was changed to ensure that Ms. Laubacher would have twelve consecutive months of affiliation with the Democratic Party at the time of the CD4 Multicounty Assembly—a Party requirement for her to seek designation to the primary ballot through the assembly process. Ms. Laubacher affiliated with the Democratic Party on March 27, 2025.

Petitioners filed their original Petition in this action on March 2, 2026. Petitioners allege that:

Respondents have committed clear, ongoing, and escalating violations of the Colorado Election Code and the Colorado Democratic Party’s own binding rules by:

- a. unlawfully usurping the mandatory statutory authority of the Congressional District 4 Central Committee Chair to fix the time and place of the Congressional District assembly, in direct violation of C.R.S. § 1-3-103(3)(e);
- b. permitting an ineligible candidate, Eileen Laubacher, to seek designation by assembly despite her failure to satisfy the plain “at least twelve consecutive months” affiliation requirement of CDP Rule 4.8.B, as governed by the mandatory time-computation rules in C.R.S. §§ 1-1-106(3) and 1-4-601(4)(a); and
- c. permitting Ms. Laubacher to proceed despite her failure to provide the required 30-day written notice to the multicounty district chair, state chair, all relevant county chairs, and the Executive Director

(as required for multi-county offices under C.R.S. § 1-4-601(1.5)(b) and the 2026 Delegate Selection Plan).

Amended Petition at 3-4.

Also on March 2, 2026, Petitioners filed a Motion for Ex Parte Temporary Restraining Order Pursuant to Colorado Rule of Civil Procedure 65(b) and C.R.S. § 1-1-113. That same day, the Court issued an order advising Petitioners that they had not met their burden for *ex parte* relief. The Court directed Petitioners to serve their Petition and Motion on the Respondents.

On March 3, 2026, after Petitioners served Respondents, the Court held a hearing on Petitioners' request for a temporary restraining order. All Petitioners and Respondents appeared at the March 3 hearing. The Court heard testimony from Ms. Chollet and Mr. Murib. The first county assembly for CD4 was scheduled to occur at 6 PM on March 3. The Court issued a written order denying Petitioners' request for a temporary restraining order at 5:46 PM that evening. *See* Mar. 3, 2026 Order. The Court established a schedule for briefing on the Petition and set the matter for another hearing on March 16, 2026.

Petitioners filed their Amended Petition on March 3, 2026. Ms. Laubacher moved to intervene and filed a Response to the Amended Petition on March 11, 2026. The Respondents filed their Responses on that same day.

At the March 16-17 hearing, the Court heard testimony from Josh Trupin, Ms. Chollet, Robert Massaro, Ms. Laubacher, Taylor Gillespie, Mr. Murib, Karen Asensio, and Margaret Furlow. The Court received 21 exhibits into evidence. For purposes of clarity, this Order refers to the March 16-17 hearing as the "Hearing."

FINDINGS OF FACT

Having reviewed testimony and exhibits and having observed the demeanor of the witnesses as they testified, the Court makes the following findings of fact by a preponderance of the evidence.

1. As shown in the statewide voter registration system, Ms. Laubaucher affiliated with the Colorado Democratic Party (hereafter "CDP") on March 27, 2025.
2. The CDP is governed, in part, by the Colorado Democratic Party Plan of Organization and Rules (hereafter "CDP Rules"). Hearing Ex. 1.
3. CDP Rule 4.4.A.2, which applies to congressional district assemblies, states: "The district chairs shall fix the date, time, and place for assemblies within

their jurisdictions in coordination with the State Party chair and in accordance with the applicable state statutes and these rules.” Hearing Ex. 1 at ¶ 4.4.A.2.

4. Prior to the emergence of the controversy giving rise to this action, the State Central Committee of the CDP adopted the 2026 Delegate Selection Plan (“Delegate Selection Plan”). *See* Hearing Ex. 2.
5. The Delegate Selection Plan states: “Multi-County assemblies shall be held between March 26 and April 11, 2026. Locations and times are determined by the State Chair in coordination with each district central committee chair, and publicized in the media and by notice to each delegate.” Hearing Ex. 2 at 7.
6. Ms. Chollet has been the Chair of the CD4 Central Committee since 2023.
7. In or around December 2024, Ms. Chollet announced her candidacy for Larimer County Treasurer. At some point before that, Ms. Chollet agreed to assist with the campaign of a candidate for the U.S. Senate. At some point during this timeframe, she decided to step back from her duties as Chair of the CD4 Central Committee.
8. In the beginning of 2025, Mr. Massaro began acting as the acting or interim Chair of the CD4 Central Committee. The transition from Ms. Chollet to Ms. Massaro does not appear to have been formally announced, and the evidence was not clear as to which one of them exercised the authority of Chair of the CD4 Central Committee during certain timeframes.
9. State party officials, including Mr. Murib and Ms. Asensio (the Executive Director of the CDP), were under the impression that Mr. Massaro was the acting Chair of the CD4 Central Committee during the relevant times.
10. Mr. Massaro has held himself out as the acting Chair of the CD4 Central Committee. *See, e.g.*, Hearing Ex. C.
11. Ms. Chollet and Mr. Massaro both voted to approve the Delegate Selection Plan in June 2025, and it has been in full force and effect since the date it was approved.
12. In October 2025, the decision was made to schedule all multicounty congressional district assemblies to occur on March 26, 2026. This decision was driven at the state level, in coordination with local officials.
13. The committee chairs for each congressional district did not each choose their own time and place for the assemblies. Rather, all congressional district

multicounty assemblies were coordinated, at the state level, to occur on the same date, March 26. *See, e.g.*, Hearing Ex. G.

14. In or around January 2026, the March 26 date for the multicounty congressional assemblies was posted on the CDP website.
15. The leadup to the CDP primary involves many events that occur across the state. Some of these events have overlapping attendees and many events rely upon the assistance of state party officials.
16. The March 26 date was chosen largely for logistical reasons, including coordination with other events such as the March 28 State Assembly.
17. It is not unusual for CDP assembly dates to change.
18. On February 24, 2026, Mr. Trupin sent an email to Ms. Asensio and Mr. Murib, advising them that three candidates would not meet the twelve-month affiliation requirement on March 26, 2026. One of the candidates listed in the email was Ms. Laubacher, who, as noted above, became affiliated with the CDP on March 27, 2025. *See* Hearing Ex. 3.
19. On February 27, 2026, Dianne Bailey, the Treasurer and Recruitment Chair for CD4, sent an email that began “To CD4 Candidates . . .” Ex. CC. The email told the candidates to send their letter of intent to run for designation on the primary ballot at the March 26 assembly. The gave the candidates a deadline of March 15. *Id.* A volunteer or employee of the Laubacher campaign, Sabrina Gross, received the message and forwarded it to Ms. Gillespie, who is Ms. Laubacher’s campaign manager.
20. In response to the February 27, 2026 email, Ms. Gillespie emailed Ms. Bailey and Mr. Massaro to “confirm that you have received our notice of intent” on March 2 and March 10, 2026. Ex. CC.
21. After receiving Mr. Trupin’s email (Ex. 3), Mr. Murib recognized that Ms. Laubacher would satisfy the twelve-month affiliation rule if the CD4 Multicounty Assembly were moved to March 27, 2026.
22. Mr. Murib called Mr. Massaro, whom Mr. Murib believed was the acting Chair for CD4, and had three conversations with him totaling more than forty minutes. In the first conversation, Mr. Massaro said he was a “party guy” and would go along with the date change. In later conversations, Mr. Massaro told Mr. Murib that he wanted to think further about the issue.

23. Mr. Murib also discussed the matter with county chairs and other congressional district chairs and reached out to the staff of a sitting member of Congress to verify that the date change would work for the member of Congress. There was widespread consensus in this group in favor of changing the date of the multicounty congressional assemblies.
24. On March 1, 2026, Mr. Murib sent an email to the county chairs, district chairs, state party officers and others. The email explained the situation (without identifying Ms. Laubacher by name) and announced Mr. Murib's decision to move the multicounty congressional district assemblies from March 26 to March 27. Hearing Ex. H.
25. Ms. Laubacher introduced multiple emails that were sent from her campaign in January 2026 that announced Ms. Laubacher's intent to pursue the primary ballot via the caucus and assembly process. Hearing Ex. BB. None of the emails was sent to CD4 personnel. *See id.*
26. In January and February of 2026, it was unclear who was the acting chair for CD4, Ms. Chollet or Mr. Massaro.
27. Notwithstanding its apparent failure to include CD4 officials in the January emails, the Laubacher campaign made known her intent to seek access to the primary ballot via the caucus and assembly process in other ways. The Laubacher campaign did fifty-eight "meet and greets." Mr. Massaro was present at least one of the "meet and greets," which occurred in late February. The Laubacher campaign also sent multiple mailers announcing her intent to seek access to the primary ballot in CD4 and ran digital ads more than 30 days before March 26. The mailers were sent to Mr. Massaro and Ms. Chollet and CD4 officials prior to March 26.
28. On Sunday, March 15, 2026, while this litigation was pending, a CD4 official sent an email that informed delegates that the CD4 Multicounty Assembly would take place on March 26. This email is known as the "Call," and Party rules require that it be sent ten days in advance of the assembly. The email listed the candidates for CD4 and did not include Ms. Laubacher in the list.
29. County assemblies have been occurring in CD4 over the last couple of weeks. The evidence shows that the March 15 "Call" email may have been sent to some individuals who are not delegates to the CD4 Multicounty Assembly and may not have been sent to some individuals who are delegates to the Assembly.
30. Ms. Laubacher has also availed herself of the "petition path" to getting on the CD4 primary ballot. She has obtained the requisite 1,500 signatures and sent them to the Secretary of State for approval.

31. If any candidate receives less than 30% of the vote at the CD4 Multicounty Assembly, that candidate will not appear on the primary ballot unless they have petitioned on to the ballot.
32. There is no allegation or evidence in the record that Secretary Griswold will not comply with her statutory duties when the time comes for her to complete those duties.

STANDARDS ON STATUTORY INTERPRETATION

When interpreting a statute, courts “strive to give effect to the intent of the legislature.” *Spahmer v. Gullette*, 113 P.3d 158, 162 (Colo. 2005). To do this, “we look first to the plain language of the statute, giving the language its commonly accepted and understood meaning.” *Smith v. Exec. Custom Homes, Inc.*, 230 P.3d 1186, 1189 (Colo. 2010) (citation omitted). The statutory language “must be read in the context of the statute as a whole and the context of the entire statutory scheme.” *Jefferson Cnty. Bd. of Equalization v. Gerganoff*, 241 P.3d 932, 935 (Colo. 2010). The goal is to give consistent, harmonious, and sensible effect to the entire statute. *See id.*

Additionally:

If separate clauses within a statute can be reconciled using one interpretation but would conflict under another, we adopt the interpretation allowing for consistency. *People v. Dist. Court*, 713 P.2d 918 (Colo.1986). When multiple statutes or multiple statutory provisions apply to the subject matter, we examine all applicable provisions to ascertain legislative intent. *R.E.N. v. City of Colorado Springs*, 823 P.2d 1359 (Colo.1992). We favor an interpretation that gives consistent and harmonious effect to all provisions. *Charnes v. Boom*, 766 P.2d 665 (Colo. 1988).

Bontrager v. La Plata Elec. Ass’n Inc., 68 P.3d 555, 558 (Colo. App. 2003)

ANALYSIS

I. The Parties’ Arguments

A. Petitioners’ Arguments

Petitioners argue that the exclusive authority to set the date for the CD4 Multicounty Assembly resides with the chair of the CD4 central committee. In support of this argument, Petitioners direct the Court to C.R.S. section 1-3-103(3)(e), which provides: “The chairperson of each party congressional district central

committee shall fix the time and place of each meeting of the committee, shall fix the time and place of its congressional district assembly, and shall preside over each meeting and the congressional district assembly.”

According to Petitioners, the CD4 Chair has “fixed” the date of the CD4 Multicounty Assembly for March 26, 2026. Further, Petitioners argue, Ms. Laubacher will not have been affiliated with the CDP for twelve consecutive months on March 26, 2026. Therefore, according to Petitioners, Ms. Laubacher is ineligible to seek designation to the primary ballot at the CD4 Multicounty Assembly.¹

Petitioners also argue that Ms. Laubacher is ineligible for the CD4 Multicounty Assembly for a second, independent reason. Under C.R.S. section 1-4-601(1.5)(b) and the Delegate Selection Plan, Ms. Laubacher was required to provide written notice of her intent to seek designation to the primary ballot thirty days before the Assembly. According to Petitioners, Ms. Laubacher did not comply with this requirement.

Pursuant to C.R.S. section 1-1-113(1), Petitioners ask the Court to:

A. Order[] Petitioner Chollet to hold the CDP’s CD4 congressional district assembly on March 26, 2026, as originally scheduled, unless and until Chollet sets a different date consistent her exclusive authority under Colo. Rev. Stat. § 1-3-103(3)(e).

B. Order[] that any certificate of designation by assembly resulting from the CDP’s CD4 congressional district assembly on March 26, 2026, purporting to designate Laubacher to the primary ballot is unlawful because she does not meet the durational-affiliation requirement under Colo. Rev. Stat. § 1-4-601(4)(a) and CDP’s Rule 4.8B, and, therefore, neither the Secretary nor Murib shall accept any certificate of designation by assembly resulting from the CDP’s CD4 congressional district assembly on March 26, 2026, purporting to designate Laubacher [sic] to the primary ballot.

C. Order[] that any certificate of designation by assembly in CD4 purporting to designate Laubacher to the primary ballot is unlawful because she failed to provide the required written notice under Colo. Rev. Stat. § 1-4-601(1.5)(b), and, therefore, neither the Secretary nor Murib shall accept any certificate of designation by assembly purporting to designate Laubacher to the primary ballot.

Reply at 16-17.

¹ Petitioners note that they do not challenge Ms. Laubacher’s effort to get on the primary ballot through the petition process.

B. Respondents' Arguments

1. Respondents CDP and Murib

Respondents CDP and Mr. Murib (together, "CDP Respondents") make three general arguments in their Response.

First, they argue that there has been no violation of C.R.S. section 1-3-103(3)(e) because the Delegate Selection Plan gives Mr. Murib the authority to determine the date of the Multicounty Assembly. *See* Ex. 2 at 7 ("Multi-County assemblies shall be held between March 26 and April 11, 2026. Locations and times are determined by the State Chair in coordination with each district central committee chair, and publicized in the media and by notice to each delegate."). The CDP Respondents note that both Ms. Chollet (the elected CD4 Chair) and Mr. Massaro (who has served as the Acting CD4 Chair) voted in favor of the Delegate Selection Plan.

Second, the CDP Respondents argue that nothing in statute or party rule prohibits the CDP from changing the date for multicounty assemblies. According to the CDP Respondents, "Chair Murib, the CDP, Lisa Chollet, and Bob Massaro substantially complied with the provisions of C.R.S. §1-3-103(3)(e) as to the setting of the date for multi-county congressional district assemblies." CDP Respondents' Response, at 7.

Third, the CDP Respondents argue that the Court lacks jurisdiction to resolve this dispute. In support, they direct the Court to C.R.S. section 1-3-106(1), which provides:

The state central committee of any political party in this state has full power to pass upon and determine all controversies concerning the regularity of the organization of that party within any congressional, judicial, senatorial, representative, or county commissioner district or within any county and also concerning the right to the use of the party name. The state central committee may make rules governing the method of passing upon and determining controversies as it deems best, unless the rules have been provided by the state convention of the party as provided in subsection (2) of this section. All determinations upon the part of the state central committee shall be final.

Id.; *see also* *People ex rel. Lowry v. District Court of Second Judicial Dist.*, 74 P. 896, 898 (Colo. 1903). According to Respondents, this dispute should be resolved through the dispute resolution procedures set forth in the CDP Rules.

2. Respondent Jena Griswold

Respondent Griswold's arguments can be summarized as follows: "What am I doing here? Why have you sued me?"

In her Response brief, Secretary Griswold states: "The Secretary of State undisputedly has played no role in the origins of [this] dispute, and the Secretary will play no role in its resolution. The Secretary takes no position on the merits of Petitioners' complaints." *Id.* at 1. According to Secretary Griswold, the Secretary of State plays no role in the internal party processes for selecting a date on which to hold the Congressional District assembly. Secretary Griswold notes that the Amended Petition makes no factual allegations specifically against her.

C. Intervenor's Arguments

Ms. Laubacher presents four general arguments in opposition to the Amended Petition. First, echoing the CDP Respondents, she argues that the Court lacks jurisdiction to resolve this dispute under C.R.S. section 1-3-106(1).

Second, Ms. Laubacher argues that the CDP Rules vest Mr. Murib with authority to coordinate the date of the Multicounty Assembly. *See* Ex. 1, at ¶ 4.4(A)(2) ("The district chairs shall fix the date, time, and place for assemblies within their jurisdictions in coordination with the State Party chair and in accordance with the applicable state statutes and these rules."). According to Ms. Laubacher, Mr. Murib's decision to set the Multicounty Assembly for March 27 was an "exercise of his discretion to coordinate the dates of congressional district assemblies." Intervenor's Response, at 8.

Third, Ms. Laubacher argues that she should be permitted to seek designation at the Multicounty Assembly even if it occurs on March 26. Relying on the substantial compliance standard set forth in C.R.S. section 1-1-103, Ms. Laubacher argues that 364 days of affiliation amounts to "substantial compliance" with the twelve-month affiliation requirement.

Finally, Ms. Laubacher responds to Petitioners' contention that Ms. Laubacher failed to comply with the thirty-day notice provision of C.R.S. section 1-4-601(1.5)(b) and the similar provision in the Delegate Selection Plan. Ms. Laubacher argues that this requirement is governed by the substantial compliance standard. Ms. Laubacher argues that all parties had actual and timely notice of Ms. Laubacher's intention to seek designation to the CD4 primary ballot through the assembly process.

II. Analysis and Conclusions of Law

A. Subject Matter Jurisdiction

The Court first considers whether it has jurisdiction to resolve this controversy.

Subject matter jurisdiction

is defined as a court's power to resolve a dispute in which it renders judgment. . . . A court has subject matter jurisdiction if "the case is one of the type of cases that the court has been empowered to entertain by the sovereign from which the court derives its authority."

Ashton Properties, Ltd. v. Overton, 107 P.3d 1014, 1017 (Colo. App. 2004) (quoting *Horton v. Suthers*, 43 P.3d 611 (Colo. 2002)). See also *SR Condominiums, LLC v. K.C. Const., Inc.*, 176 P.3d 866, 869 (Colo. App. 2007) ("Subject matter jurisdiction concerns the court's authority to deal with the class of cases in which it renders judgment, not its authority to enter a particular judgment in that class.") (cleaned up, internal quotes and citations omitted). "Whether a court possesses jurisdiction over a claim is dependent upon the nature of the claim and the relief sought." *SR Condominiums*, 176 P.3d at 870.

According to Petitioners, the Court has jurisdiction under C.R.S. section 1-1-113(1), which provides:

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. The order shall require the person charged to forthwith perform the duty or to desist from the wrongful act or to forthwith show cause why the order should not be obeyed. The burden of proof is on the petitioner.

Id.

The CDP Respondents and Ms. Laubacher contend that legislature has removed district court jurisdiction from cases like this one under C.R.S. section 1-3-106(1), which provides:

The state central committee of any political party in this state has full power to pass upon and determine all controversies concerning the regularity of the organization of that party within any congressional, judicial, senatorial, representative, or county commissioner district or within any county and also concerning the right to the use of the party name. The state central committee may make rules governing the method of passing upon and determining controversies as it deems best, unless the rules have been provided by the state convention of the party as provided in subsection (2) of this section. All determinations upon the part of the state central committee shall be final.

Id.

Where, as here, different provisions within a statute apply to the same subject matter, the Court should “adopt the interpretation allowing for consistency.” *Bontrager*, 68 P.3d at 558. C.R.S. section 1-1-113 creates jurisdiction in the district court for certain types of cases. And C.R.S. section 1-3-106(1) curtails the Court’s jurisdiction in certain areas. *See Lowry*, 74 P. at 899. The Court will observe the boundaries set by each of these statutes.

The Court concludes that it has subject matter jurisdiction over this dispute under C.R.S. section 1-1-113(1). Petitioners seek an order compelling Ms. Chollet to hold the CD4 Multicounty Assembly on March 26, or on another date of her choosing.² Petitioners also seek an order prohibiting Respondents from accepting a certificate of designation that designates Ms. Laubacher to the primary ballot. As such, the allege a dispute that is subject to this Court’s jurisdiction under section 1-1-113(1).

The Court is not persuaded that C.R.S. section 1-3-106(1) strips it of jurisdiction over this case. Section 106(1) applies to “controversies concerning the regularity of the organization of [a political] party within any congressional, judicial, senatorial, representative, or county commissioner district or within any county and also concerning the right to the use of the party name.” *Id.* (emphasis added). The Amended Petition does not, on its face, concern the regularity of the organization of the CDP or the use of the party name. On this point, the Court agrees with the

² The Court recognizes that Ms. Chollet is herself a Petitioner, which means she is asking the Court to order her to do perform a duty which, by all appearances, she already wishes and intends to perform. Usually, of course, the petitioner in a case is asks the court to order the respondent to do something or not do something. This circumstance, while perhaps unorthodox, does not remove this case from the class of cases which this court is authorized to pass upon. *See SR Condominiums, LLC v. K.C. Const., Inc.*, 176 P.3d 866, 869 (Colo. App. 2007). In any event, Ms. Chollet is not the only Petitioner. Ms. Calvarese also seeks this order.

analysis of Chief Judge Martinez in Order re Petition for Relief Under section 1-1-113, No. 2020CV31415 (Colo. Dist. Ct., Denver Cnty., May 4, 2020).

The CDP Respondents and Intervenor argue that this case is indistinguishable from *Lowry*, in which our supreme court construed an earlier version of C.R.S. section 1-3-106(1) and held that the statute foreclosed jurisdiction in the district court. 74 P. 896, at 898. It is true that the statutory language does not appear to have materially changed since *Lowry* was decided (more than a century ago), and as Intervenor emphasized at the hearing, the facts of *Lowry* track the present case in multiple important respects.

However, there is a critical difference between this case and *Lowry*: Here, Petitioners have brought their claims pursuant to a statute that expressly authorizes the Court to issue an order requiring substantial compliance with the election code: C.R.S. section 1-3-113(1). In *Lowry*, by contrast, the petitioners were not proceeding under a statute that expressly authorized their claims. *See Lowry*, 74 P. at 897 (“In the absence of a statute conferring such power upon the courts, they do not possess it as an incident to, or embraced within, the jurisdiction to determine all ‘causes at law or in equity.’”) (quoting Colo. Const. art. 6, § 11).

Nichol v. Bair, 626 P.2d 761 (Colo. App. 1981), which the CDP Respondents and Intervenor also rely on, provides only limited guidance. In that case, the plaintiffs appear to have asked the district court for temporary relief pending completion of the intra-party dispute resolution process. *Id.* The court of appeals held that the district court lacked jurisdiction to hear the case, citing *Lowry* and the predecessor to C.R.S. 1-3-106(1). As with *Lowry*, the *Nichols* opinion does not indicate that the plaintiffs were proceeding under a specific statutory grant of jurisdiction.

While the Court concludes that it has jurisdiction over this case, the Court does not disregard *Lowry* altogether. The Court will follow *Lowry*’s construction of the predecessor to C.R.S. § 1-3-106(1), which included the following:

We close the discussion by saying that the General Assembly exhibited wisdom and a regard for the interests of the judiciary in passing this statute, by which members of the same political body are required to submit their controversies to the highest constituted authority of the party in the state. It relieves the courts of a class of litigation would should never be imposed on them, and confers the power and places the responsibility for its exercise upon the political parties, where it properly belongs.

74 P. at 899. *See also Bontrager*, 68 P.3d at 558.

B. Twelve-Months Affiliation Rule

The Court now turns to the substance of Petitioners' claims. The Court begins with Petitioners' assertion that Ms. Chollet has exclusive authority to choose the date of the 2026 CD4 Multicounty Assembly. For the reasons discussed below, the Court concludes that she does not. Instead, the final authority for scheduling the 2026 multicounty assemblies rests with Mr. Murib.

As Ms. Chollet argues, C.R.S. section 1-3-103(3)(e) provides: "The chairperson of each party congressional district central committee shall fix the time and place of each meeting of the committee, shall fix the time and place of its congressional district assembly, and shall preside over each meeting and the congressional district assembly." The statute does not specify the manner in which the district committee chairs shall "fix" the time and place of the assemblies.

Here, the uncontroverted evidence shows that Ms. Chollet, along with a majority of the other members of the CDP State Central Committee, approved the Delegate Selection Plan, which granted Mr. Murib the authority to "determine" the locations and times of the multicounty assemblies "in coordination with each district central committee chair." Ex. 2, at 7. Ms. Chollet approved this plan in accordance with her obligation under the CDP Rules to act in "coordination with" Mr. Murib in scheduling the assemblies. CDP Rules, ¶ 4.4.A.2.

At the Hearing, Petitioners conceded that Ms. Chollet and Mr. Massaro both approved the Delegate Selection Plan. However, counsel for Petitioners insisted that "they did so in their role as State Central Committee members, not as the CD4 chair." The Court is not persuaded. As counsel for CDP pointed out, it is Ms. Chollet's and Mr. Massaro's status as congressional district chair and vice chair that confers upon them automatic membership in the State Central Committee. Ex. 1, at ¶ 3.3.A.1. Thus, even if there were some way to tease out the "role" Ms. Chollet and Mr. Massaro were playing when they approved the Delegate Selection Plan, the evidence before the Court shows that their presence on the State Central Committee was closely tied to their roles in CD4.

Petitioners' argument that Ms. Chollet has exclusive authority to choose the date of the 2026 CD4 Multicounty Assembly fails for a second, independent reason. Petitioners' argument is that C.R.S. section 1-3-103(3)(e) "vests exclusive, non-delegable authority in the CD4 Central Committee Chair, Petitioner Chollet, to fix the time and place of the assembly." Amended Petition at § 46; *see also* Reply at 8 (arguing that section 103(3)(e) reflects "a deliberate legislative choice to vest this authority exclusively and non-discretionarily in the congressional district central committee chairperson, to the exclusion of all others, including the state party chairs."). In other words, Petitioners argue that the election code prohibits political

parties from coordinating the scheduling of assemblies through the state chair, with the state chair having the final say—even when the district chairs agree to do so.

The Court does not read the “shall fix” language of C.R.S. section 1-3-103(3)(e) to require this result. As an initial matter, the statute does not contain the words “exclusive,” “non-discretionary,” “non-delegable,” or any similar language. Further, in asking the Court to apply the statute to forbid any delegation of the scheduling authority, Petitioners are asking the Court to wade very close to—if not fully dive into—a “controversy concerning the regularity of the organization” of the party within the various districts and counties. C.R.S. § 1-3-106; *Lowry*, 74 P. at 898-89. The Court does not find good cause to do so in this case.

C. 30-Day Notice Rule

Next, the Court addresses Petitioners’ argument that Ms. Laubacher should not be permitted to seek designation by assembly because she failed to provide 30-days written notice of her intent to do so under C.R.S. section 1-4-601(1.5)(b) and the Delegate Selection Plan. *See Ex. 2*, at 4.

The Court finds and concludes that Ms. Laubacher has substantially complied with the applicable portion of the election code and the Delegate Selection Plan. *See* C.R.S. § 1-1-103 (“Substantial compliance with the provisions of the election code shall be all that is required for the proper conduct of an election.”); C.R.S. § 1-1-113 (“When a controversy arises . . . the district court shall issue an order requiring substantial compliance with the provisions of this code.”).

Under C.R.S. section 1-4-601(1.5)(b), “a person seeking designation by a multicounty district assembly must provide notice to the multicounty district chair and the state chair” in writing “no less than thirty days before the assembly.” The statute does not specify the manner in which written notice must be given. The Delegate Selection Plan adds other required recipients. *Ex. 2*, at 4.

In evaluating substantial compliance, the Court “should consider the following factors: (1) the extent of the noncompliance; (2) the purpose of the provision and whether that purpose was substantially achieved in spite of the lack of compliance; and (3) whether there was a good faith effort to comply.” *Griswold v. Ferrigno Warren*, 2020 CO 34, ¶ 12.

Here, the Court perceives only technical, if any, noncompliance with the thirty-day notice requirement on the part of the Laubacher campaign. *Griswold*, ¶ 12. Ms. Laubacher’s intent to seek designation by assembly was widely known in CD4 more than thirty days in advance of both March 26 and March 27, 2026. She was attending meet-and-greets in CD4 in the January-February timeframe, and she sent multiple

mailers to her mailing list, which included Ms. Chollet and Mr. Massaro, more than thirty days before March 26 and March 27, 2026.

As far as the Court can discern, the purpose of section 1-4-601(1.5)(b) (and its parallel provision in the Delegate Selection Plan) is to set forth a prescribed, orderly, and fair process for all interested candidates, delegates, and other participants in the assembly process. *See Griswold*, ¶ 12. There may also be logistical purposes behind the notice requirement, as work must be done by party officials in advance of assembly meetings in order for the meetings to go efficiently and smoothly. By way of example, and to state the obvious, district chairs and others organizing the assembly need to know who the candidates are before the assembly convenes.

Because Ms. Laubacher's candidacy was widely known more than 30 days before March 26 and March 27, and because she provided written notice before March 26 and March 27, the Court concludes that the statute's purposes have been substantially achieved. The Court further notes that CD4 personnel themselves informed candidates that their letters of intent were due on March 15, which is after the 30-day deadline. *See Ex. CC*.

Finally, the Court finds that Ms. Laubacher made a good-faith effort to comply with the 30-day notice rule. *See Griswold*, ¶ 12.

CONCLUSION AND ORDER

For the reasons set forth above, the Court finds and concludes that Petitioners have not met their burden for the orders they seek under C.R.S. section 1-1-113(1). Additionally, the Court does not find that there is good cause for the orders Petitioners seek under C.R.S. section 1-1-113(1). Petitioners have withdrawn their claim for injunctive relief under Colorado Rule of Civil Procedure 65. Petitioners' request for declaratory relief is denied.

SO ORDERED this March 21, 2026.



Mark T. Bailey
Denver District Court Judge