

On April 6, 2024, 2143 delegates convened at the Assembly and Convention—the supreme governing body of the Colorado Republican Party under C.R.S. §1-3-106, CRC Bylaws, and Colorado Supreme Court precedent as established in *People ex rel. Lowry v. District Court of the Second Judicial District*, 32 Colo. 15, 74 P.896 (Colo. 1903). By a near unanimous margin, these delegates voted to require the CRC to affirmatively opt out of Colorado’s semi-open primary election system. The Assembly and Convention further ordered that the CRC implement this decision “*as soon as practicable while being empowered with all reasonable authority to enforce this order.*”

Despite this clear mandate, the CRC—a subordinate body of approximately 520 members—has refused to carry out the directive.

This refusal disenfranchises more than 2,000 delegates, effectively allowing a smaller and inferior body to nullify the will of the Party’s supreme governing authority.

Compounding this disenfranchisement, state law prohibits the Assembly and Convention from reconvening until its next regular session in 2026, leaving it powerless to enforce its own directive. CRC officers who are obstructing the implementation of the directive cannot be removed in time to meet the statutory deadline for opting out, ensuring their refusal remains insulated from accountability.

Accordingly, the CRC's refusal constitutes both a breach of its contractual obligations under the Party Bylaws and an unlawful usurpation of authority in contravention of state law and Colorado Supreme Court precedent.

PARTIES

2. Plaintiff in this case is Cody LeBlanc who is a 2024 delegates to the State Republican Assembly and Convention, which convened on April 6, 2024, pursuant to C.R.S. §1-1-104(1.3), C.R.S. §1-1-104(6), and C.R.S. §1-3-106.
3. Defendant, CRC, an unincorporated non-profit association doing business at PO Box 4585, Greenwood Village, CO 80112. Defendant Brita Horn is Chairman of the CRC and is named in her official capacity.

JURISDICTION AND VENUE

4. The court has personal jurisdiction over the Parties pursuant to C.R.S. §13-1-124(1)(a) C.R.S. because the Parties either conduct business in the State of Colorado or are individuals who reside in the State of Colorado, respectively.
5. This Court has jurisdiction over this matter under C.R.S. § 1-1-113.
6. The Court has subject matter jurisdiction pursuant to Article VI, §9 of the Colorado Constitution.
7. Venue is proper in Arapahoe County pursuant to C.R.C.P. 98 because the Defendant, CRC, conducts business in Arapahoe County, Colorado.

8. This Court has the authority to enter a declaratory judgment pursuant to Colorado Rule of Civil Procedure 57.

GENERAL ALLEGATIONS

9. Each allegation in this Complaint is incorporated into each claim for relief. Further, the allegations in each claim for relief are incorporated into all other claims for relief.
10. C.R.C.P. 8 requires a “short and plain statement of the claim showing that the pleader is entitled to relief.” The statute further provides that, “Relief in the alternative or of several different types may be demanded.” It further provides that, “A party may also state as many separate claims or defenses as he has regardless of consistency and whether based on legal or on equitable grounds or on both.
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 Colorado Republican State Central Committee (“CRC”) is an unincorporated nonprofit association and political party committee, governed and operating under the laws of the State of Colorado.

13. CRC controversies are governed and adjudicated under C.R.S. § 1-3-106 and Colorado Supreme Court precedent as established in *People ex rel. Lowry v. District Court of the Second Judicial District*, 32 Colo. 15, 74 P.896 (Colo. 1903).
14. The CRC is authorized under C.R.S. § 1-4-702 to opt-out of the semi-open primary election.
15. As an unincorporated nonprofit association, the CRC also operates under bylaws adopted on August 31, 2024, hereinafter referred to as the “Bylaws”, and by rules, orders, or directives of the State Republican Assembly and Convention.
16. All members of the CRC agree to abide by the Bylaws, and by the rules, orders, or directives of the State Republican Assembly and Convention.
17. Article V, Section B.1.c. of the Bylaws requires the Chairman to “*observe and enforce the bylaws and rules of the CRC...*”
18. Article XIII, Section H of the Bylaws, under the protected authority of C.R.S. §1-3-106, states:
- “From the convening of the State Assembly and/or Convention until its final adjournment, the State Assembly or Convention shall have the power to determine controversies about both the regularity of the party organization within any*

district or county and the right to use the party name. It may also provide rules that shall govern the CRC in determining such controversies.”

19. On April 6, 2024, the 2024 Republican State Assembly and Convention was convened in Pueblo Colorado with 2143 delegates in attendance and conducted official Party business.

20. On April 6, 2024, a near unanimous majority adopted the following rule *“that shall govern the CRC”* in this instance:

“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[...] as soon as practicable while being empowered with all reasonable authority to enforce this order”

21. On March 29, 2025, the CRC and its leadership convened an official meeting where its voting members unanimously adopted and affirmed the factual record and resolution of the opt-out controversy of the Assembly and Convention’s proceedings via meeting minutes that declared:

“Next order of business was voting on the State Assembly and Convention directing the State Central Committee to Opt-Out of the Primary because the

ongoing opt-out debate is a controversy per CRS1-3-106. Debate was open and then the vote took place. 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.”

22. The CRC and its leadership have not implemented the will of the majority and have no plans to “*enforce this order.*”
23. The CRC and its leadership will convene an official meeting of the CRC on Saturday, September 27, 2025, where they will refuse to vote and pass the opt-out as directed by the Assembly and Convention as indicated by the CRC’s current legal counsel.
24. As a result, the CRC Chairwoman, Brita Horn, refuses to notify the Colorado Secretary of State (SOS) of the Party’s decision to opt out of the semi-open primary for the 2026 election.
25. The statutory deadline to notify the SOS of the Party’s decision to opt-out is October 1, 2025.
26. The next Assembly and Convention cannot legally convene to resolve the CRC’s refusal to opt-out until Spring of 2026, which is after the 2025 opt-out deadline.

27.The bylaws do not allow enough time for the current officers to be held accountable through a removal vote, or otherwise, before the 2025 opt-out deadline.

28.Accordingly, for the foregoing reasons, Plaintiff seeks relief for the following claims: 1) Refusal to Comply With A Political Party Final Determination Per C.R.S. § 1-3-106. 2) MANDAMUS 3) Breach of Contract.

**FIRST CLAIM FOR RELIEF – REFUSAL TO COMPLY WITH A
POLITICAL PARTY FINAL DETERMINATION PER C.R.S. § 1-3-106**

29.Plaintiff incorporates paragraphs 1-28 of this Complaint as if fully set forth herein.

30.Defendants violated C.R.S. § 1-3-106 and Colorado Supreme Court precedent as established in People ex rel. Lowry v. District Court of the Second Judicial District, 32 Colo. 15, 74 P.896 (Colo. 1903) by not implementing the will of the Assembly and Convention that resolved a bona fide controversy by ordering the CRC to perform a perfunctory and ministerial vote to opt out of the semi-open primary for 2026.

31.Under C.R.S. § 13-51-101 et. seq. and C.R.C.P. 57, in the case of an actual controversy within its jurisdiction, the courts may declare the rights and other legal relations of an interested party seeking a declaratory judgment, whether or not other relief is or could be sought or granted.

32. Under C.R.S. § 1-3-106, the state central committee of any political party has full power to pass upon and determine all controversies, and its determination shall be final.

SECOND CLAIM FOR RELIEF – Mandamus (C.R.S. § 1-1-113 & C.R.C.P. 106(a)(2))

33. Plaintiff incorporates paragraphs 29–32 as if fully set forth herein.

34. Under Colorado law, a writ of mandamus is appropriate when the plaintiff has a clear right to the relief sought, the defendant has a clear duty to perform the act requested, and no other adequate remedy exists.

35. C.R.S. § 1-1-113 empowers the courts to grant mandamus in election related controversies.

36. The Assembly and Convention’s April 6, 2024, directive requires the CRC to conduct an affirmative opt-out vote. This directive leaves no discretion to the CRC; it is a ministerial duty. (See C.R.S. § 1-3-106 & *People v. Ames*, 51 P. 426 (Colo. 1897) & *Ames v. People ex rel. Temple*, 56 P. 656 (Colo. 1899) - [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 by it, or that the statute prescribing such duties may be unconstitutional.”)

37. Plaintiff and the 2000-plus Assembly and Convention delegates have a clear right to have their directive implemented.

38. Defendant CRC has a clear legal duty to perform this ministerial act.

39. No other adequate remedy exists because the Assembly and Convention cannot reconvene until 2026 under state law, and the CRC officers cannot be removed in time to enforce compliance before the statutory deadline.
40. Therefore, a C.R.S. § 1-1-113 mandamus is proper to compel Defendants to immediately perform their ministerial duty and pass the opt-out.

THIRD CLAIM FOR RELIEF – BREACH OF CONTRACT

41. Plaintiff incorporates paragraphs 33-40 of this Complaint as if fully set forth herein.
42. Defendants breached their contract with the Colorado Republican State Central Committee, and the State Republican Assembly and Convention, and did so without justification. A statutory basis exists for Defendants' breach.
43. A party breaches a contract when: 1) a contract exists between the parties; 2) the plaintiff performed the contract or maintains a justification for nonperformance; 3) the defendant failed to perform the contract; and 4) the defendant's failure to perform the contract. (See 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))
44. A contract existed between the parties. Provisions of the Bylaws and the directive of the State Republican Assembly and 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); Jorgensen Realty, Inc. v. Box, 701 P. 2d 1256, 1257 (Colo. App. 1985) (“The relationship between a voluntary association and its members is a contractual one and, by joining such an organization, a member agrees to submit to its rules and regulations and assumes the obligations incident to membership.”).

45. Defendant failed to perform their contractual duties in the following instances:

- i) The CRC has failed to implement the perfunctory and ministerial vote of its membership.
- ii) The CRC and its leadership have not yet convinced a future Colorado Republican State Assembly and Convention to rescind the order to opt-out so they are in breach with their refusal to comply with the superior authority.

46. By the conduct described above, Defendants have failed to comply with the CRC Bylaws, and by rules, orders, or directives of the State Republican Assembly and Convention.

47. Defendants’ failure to comply with the CRC Bylaws, and by rules, orders, or directives of the State Republican Assembly and Convention, constitutes a breach of contract.

48. As a result of Defendants failure to comply with the CRC Bylaws, and by rules, orders, or directives of the State Republican Assembly and Convention, Plaintiff’s rights have been impaired.

VI. RELIEF REQUESTED

WHEREFORE, Plaintiff seeks:

49. A judgment against the Defendant that orders the Defendant to immediately fulfill the desired outcome of the directive passed on April 6, 2024, by the Assembly and Convention to opt-out of the semi-open primary for 2026 before the October 1, 2025 statutory deadline.
50. In the alternative, a declaratory judgement that the meeting minutes that were unanimously adopted by the CRC on March 29, 2025, are legally sufficient to comply with the 2024 Assembly and Convention opt-out directive and order Chairwoman Horn to notify the SOS that they Party has opted out of the semi-open primary for 2026.
51. In the alternative, a temporary and/or preliminary order tolling or pausing the October 1, 2025, statutory deadline for notifying the Colorado Secretary of State of the Party's opt-out decision, so that the CRC has adequate time to comply with the April 6, 2024 Assembly and Convention directive. This relief is necessary to prevent irreparable harm, preserve the rights of more than 2,000 Assembly delegates, and ensure the Party is not penalized for the wrongful inaction of its officers.

52. In the alternative, a temporary and/or preliminary order tolling or pausing the October 1, 2025, statutory deadline for notifying the Colorado Secretary of State of the Party's opt-out decision, so the Court has adequate time to fully adjudicate this matter while preserving the status quo. This relief is necessary to prevent irreparable harm, preserve the rights of 2143 Assembly delegates, and ensure the Party is not penalized for the wrongful inaction of its officers.

53. Such other relief as may be appropriate.

Respectfully submitted this 26th day of September 2025 at Centennial, Colorado.

A handwritten signature in blue ink, appearing to read "Cody LeBlanc", written over a horizontal line.

Cody LeBlanc, Plaintiff – Member of the 2024
Delegate of the State Republican Assembly &
Convention

To:

Colorado Republican Committee
Brita Horn, Chairman
PO Box 4585
Greenwood Village, CO 80112
Email: Brita@cologop.org

(CRC has been sent an electronic copy and will be served on September 27, 2025)