

## 19-518 COLORADO DEPARTMENT OF STATE V. BACA

DECISION BELOW: 935 F.3d 887

LOWER COURT CASE NUMBER: 18-1173

### QUESTION PRESENTED:

Like most States, Colorado requires its presidential electors to follow the will of its voters when casting their Electoral College ballots for President. In the 2016 Electoral College, one of Colorado's electors violated Colorado law by attempting to cast his presidential ballot for a candidate other than the one he pledged to vote for. Colorado removed him as an elector, declined to accept his ballot, and replaced him with an alternate elector who properly cast her ballot for the winner of the State's popular vote, consistent with Colorado law. The removed elector later sued Colorado for nominal damages.

The questions presented are:

1. Whether a presidential elector who is prevented by their appointing State from casting an Electoral College ballot that violates state law lacks standing to sue their appointing State because they hold no constitutionally protected right to exercise discretion.
2. Does Article II or the Twelfth Amendment forbid a State from requiring its presidential electors to follow the State's popular vote when casting their Electoral College ballots.

CONSOLIDATED WITH 19-465 FOR ONE HOUR ORAL ARGUMENT.

ORDER OF MARCH 10, 2020: THIS CASE IS NO LONGER CONSOLIDATED WITH NO. 19-465, AND ONE HOUR IS ALLOTTED FOR ORAL ARGUMENT. JUSTICE SOTOMAYOR TOOK NO PART IN THE CONSIDERATION OF THIS ORDER.

PRESS RELEASE OF APRIL 3, 2020

IN KEEPING WITH PUBLIC HEALTH GUIDANCE IN RESPONSE TO COVID-19, THE COURT WILL POSTPONE THE ORAL ARGUMENTS CURRENTLY SCHEDULED FOR THE APRIL SESSION.

PRESS RELEASE OF APRIL 13, 2020

RESCHEDULED FOR ORAL ARGUMENTS BY TELEPHONE CONFERENCE. THE JUSTICES AND COUNSEL WILL ALL PARTICIPATE REMOTELY.

CERT. GRANTED 1/17/2020