DISTRICT COURT, DENVER COUNTY, COLORADO 1437 Bannock Street Denver, CO 80202 Telephone: 303.606.2300	
Plaintiff: MICHAEL A. HANCOCK, registered Colorado elector v. **Defendants:** JENA GRISWOLD, in her official capacity as Secretary of State for the State of Colorado; and CHRIS DEGRUY KENNEDY and KIYANA NEWELL, as designated representatives for Proposed Initiative 2025–2026 #195	**▲ COURT USE ONLY ▲**
Attorneys for Plaintiff: Jason R. Dunn, #33011 David B. Meschke, #47728 BROWNSTEIN HYATT FARBER SCHRECK, LLP 675 15th Street, Suite 2900 Denver, CO 80202 Phone: 303.223.1100 Fax: 303.223.1111 Email: jdunn@bhfs.com; dmeschke@bhfs.com	Case Number: Div:
VERIFIED C.R.S. § 1-40-118(1) PROTEST AND COMPLAINT FOR A HEARING AND OTHER RELIEF	

Pursuant to C.R.S. § 1-40-118(1), Plaintiff Michael A. Hancock ("Plaintiff"), through undersigned counsel, hereby submits this Verified Protest and Complaint for a Hearing and Other Relief ("Complaint"), and in support states as follows:

I. INTRODUCTION AND NATURE OF ACTION

Colorado's initiative process depends on the truthfulness of circulators who obtain petition signatures to qualify a ballot issue for general election and on compliance by the petition entities that pay them. As a result, it is essential that petition entities ensure paid circulators complete

training and are registered, and that circulators truthfully verify all elements of their circulator affidavits and make themselves available to participate in challenges to petitions such as this one. By this action, Plaintiff protests the Secretary of State's validation of signatures gathered by paid circulators where there is no record that their training certificates were filed with the Secretary of State, that they received any training, or that they were properly registered, as required by the Secretary's own rules, to gather signatures.

The Secretary of State's Statement of Sufficiency for Proposed Initiative 2025–2026 #195 ("Initiative #195") noted 34,827 invalid signatures and 130,938 valid signatures—an invalidation rate of approximately 26.6%. A copy of the Statement of Sufficiency is attached as **Exhibit 1**. Although the Secretary invalidated a significant number of signatures, the review failed to invalidate 9,849 additional signatures gathered by circulators in violation of Colorado law governing the initiative process and circulator affidavits. Specifically, the Secretary erroneously validated signatures verified by circulators who appear to have submitted materially false affidavits regarding their registration and training because there is no record they completed the required training or were registered to collect signatures. These failures strike at the heart of the statutory scheme set forth in C.R.S. §§ 1-40-101 *et seq*.

II. PARTIES, JURISDICTION, AND VENUE

1. Plaintiff is a registered elector in Arapahoe County, whose rights, status, and legal relations will be affected by the ballot measures on the November 3, 2026 general election ballot and, thus, brings this action pursuant to C.R.S. §§ 1-40-118(1).

2. Defendant Jena Griswold is the Secretary of State for the State of Colorado (the "Secretary"). By virtue of C.R.S. § 1-40-117, the Secretary's office reviews petitions for sufficiency in meeting the signature requirement set forth in the Colorado Constitution. The Secretary's offices are located in the City and County of Denver.

3. Defendants Chris deGruy Kennedy and Kiyana Newell (collectively, "the Proponents") are the designated C.R.S. § 1-40-104 representatives for Initiative #195, which seeks to impose a graduated state income tax on the federal taxable income of Colorado residents and on the Colorado net income of Colorado corporations. Chris deGruy Kennedy's listed address is 303 E. 17th Avenue, Suite 400, Denver, Colorado, and Kiyana Newell's listed address is 789 Sherman Street, Suite 460, Denver, Colorado.

4. This Court has jurisdiction over the parties and the subject matter of this action by virtue of Article VI, Section 9 of the Colorado Constitution, C.R.S. § 1-40-118(1), and C.R.C.P. 57(a) because the petition to place Initiative #195 on the ballot was filed by the Proponents in the City and County of Denver.

5. Venue is proper under C.R.S. § 1-40-118(1) and C.R.C.P. 57(a).

6. Plaintiff's Complaint is timely under C.R.S. § 1-40-118(1). The Secretary issued the Statement of Sufficiency on September 1, 2026, and this Complaint is filed within 15 days of that date.

III. GENERAL ALLEGATIONS

A. The Initiative Process in Colorado.

7. The Colorado Constitution reserves to the people the power to enact laws and constitutional amendments by initiative. *See* Colo. Const. art. V, § 1(1).

8. An initiative to amend the Colorado Constitution or to propose legislation is placed on the ballot only where the proponent provides a petition "in such form as may be prescribed pursuant to law" with the required number of signatures of registered electors at least three months before the general election. Colo. Const. art. V, § 1(2).

9. Article 40 of Title 1 of the Colorado Revised Statutes sets forth multiple detailed procedural and substantive requirements for ballot initiatives in Colorado. *See* C.R.S. §§ 1-40-101 *et seq.*

10. The General Assembly clarified and amended these requirements in 2009 because it found that the initiative process was prone to fraud, abuse, and mistake. C.R.S. § 1-40-101(2)(a).

11. Specifically, the General Assembly found, determined, and declared:

> For the initiative process to operate as an honest expression of the voters' reserved legislative power, ***it is essential*** that circulators truthfully verify all elements of their circulator affidavits and make themselves available to participate in challenges to the secretary of state's determination of petition sufficiency.

C.R.S. § 1-40-101(2)(c)(II) (emphasis added).

12. The 2009 legislation strengthened requirements for petition entities to register paid circulators with the Secretary of State and to disclose which circulators were paid. This is the foundation for the registration requirements now codified in C.R.S. § 1-40-112 and implemented through 8 C.C.R. § 1505-1-15.2.4.

13. These criteria are accompanied by methods for individuals and entities to challenge the Secretary's verification under C.R.S. § 1-40-118.

B. The Requirements of the Circulator's Affidavit.

14. Under Article 40, every petition section submitted to the Secretary must be accompanied by a signed, notarized, and dated affidavit executed by the petition section's circulator. The affidavit must include the following:

a. The circulator's printed name;

b. The circulator's address;

c. Where the circulator signed the affidavit;

d. A statement that the circulator has read and understands the laws governing the circulation of petitions;

e. A statement that the circulator was a resident of the state, a citizen of the United States, and at least 18 years of age at the time the petition was circulated;

f. A statement that each signature was affixed in the circulator's presence;

g. A statement that each petition signature is the signature of the person whose name it purports to be;

h. A statement that to the best of the circulator's knowledge and belief each of the persons signing the petition section was, at the time of signing, a registered elector;

i. A statement that the circulator has not paid and will not pay, and believes that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer to induce such signer to affix his or her signature to the petition;

j. A statement that the circulator understands that he or she may be prosecuted for violating laws governing the circulation of petitions, including the requirement that a circulator truthfully complete the affidavit and that each signature be affixed in the circulator's presence; and

k. A statement that the circulator understands that failing to make himself or herself available to be deposed and to provide testimony in the event of a protest shall invalidate the petition section if it is challenged on the grounds of circulator fraud.

C.R.S. § 1-40-111(2)(a); *see also* 8 C.C.R. § 1505-1:15.3.2.

15. Every circulator affidavit must be notarized and a notary public "shall not notarize" a circulator affidavit unless:

a. the circulator is in the notary's physical presence; and

b. the circulator has dated and fully and accurately completed all of the personal information on the affidavit pursuant to C.R.S. § 1-40-111(2)(a)

C.R.S. § 1-40-111(2)(b)(I).

16. Affidavits notarized in violation of any of the provisions contained in C.R.S. § 1-40-111(2)(b) and set forth in the above paragraphs "***shall*** be invalid." C.R.S. § 1-40-111(2)(b)(II) (emphasis added).

17. If a petition section does not have a valid, notarized circulator affidavit that complies with all of the requirements set forth in C.R.S. § 1-40-111(2)(a)-(b) and paragraphs 14 through 16 of this Complaint, the Secretary must reject the entire section (including all signatures) as invalid. C.R.S. § 1-40-111(2)(c).

18. The required elements of the affidavit are intended to prevent fraud, abuse, or mistake. Accordingly, strict compliance is required. C.R.S. § 1-40-118(5).

C. Registration and Training Requirements for Petition Entities.

19. A petition entity must obtain a petition entity license, pay a fee, and register with the Secretary of State's Office before circulating a petition. 8 C.C.R. § 1505-1:15.2.1.

20. The license application must include, among other things:

a. The name, address, copy of identification each circulator will use for the purpose of having a petition section notarized, and signature of any petition circulators the entity has hired or contracted with to circulate a petition in Colorado;

b. The petitions each circulator will circulate in Colorado; and

c. A copy of the certificate of completion of the training offered by the Secretary of State, or training certificate, within the last year as evidence that the circulator has read and understood laws pertaining to petition circulation.

21. C.R.S. § 1-40-112(3) provides that the Secretary of State "shall develop circulator training programs for paid and volunteer circulators" and that "[t]he proponents of an initiative petition or the representatives of a petition entity shall inform paid and volunteer circulators of the availability of these training programs as one manner of complying with the requirement set forth in the circulator's affidavit that a circulator read and understand the laws pertaining to petition circulation."

22. A petition entity cannot compensate a circulator without first obtaining a license. C.R.S. § 1-40-135(2)(a).

23. The license application must include the name, address, and identification for each circulator the entity has contracted with to circulate a petition, along with a training certificate. 8 C.C.R. § 1505-1:15.2.1(d).

24. If new circulators are hired after their license is obtained, the petition entity must update the license within 20 days of hiring a new circulator to provide the circulator name, address and identification. C.R.S. § 1-40-135(5)(b); 8 C.C.R. § 1505-1:15.2.4.

25. Rule 15.2.4 thus was amended to require petition entities to update license information and, beginning December 1, 2025, specifically update circulator information when additional circulators are hired.

26. Rule 15.2.4's requirement to petition entities to update license information and to update circulator information when additional circulators are hired is a mandatory obligation placed on the petition entity—not on the individual circulator—meaning the designated representatives themselves bear responsibility for ensuring their paid circulators are properly registered with the Secretary of State before those circulators begin collecting signatures.

D. Initiative #195 and the Secretary's Statement of Sufficiency.

27. Initiative #195 is a statewide ballot initiative that seeks to impose a graduated state income tax on the federal taxable income of Colorado residents and on the Colorado net income of Colorado corporations.

28. Under the Colorado Constitution, a petition cannot be submitted for adoption by the Colorado public unless it is signed by registered electors in an amount equal to five percent or more of the total number of votes cast for all candidates for the office of Secretary of State during the previous general election. *See* Colo. Const. art. V, § 1(2).

29. Based on the Secretary's Statement of Sufficiency, Initiative #195's proponents were required to obtain 124,328 valid petition signatures from registered electors in order to place Initiative #195 on the ballot. *See* **Exhibit 1**.

30. In addition, because Initiative #195 proposes to change the Colorado constitution, Initiative #195's proponents were required to obtain signatures from each state senate district equal to two percent of the total registered electors from each district, in addition to meeting the 124,328 threshold. Colo. Const. art. V, § 1(2.5).

31. The Secretary approved the petition format for Initiative #195 on September 1, 2026.

32. Between February 23, 2026 and July 20, 2026, the Proponents obtained 165,765 signatures in support of placing Initiative #195 on the ballot.

33. The Proponents submitted the signed petition sections to the Secretary of State on August 3, 2026.

34. Accordingly, pursuant to C.R.S. § 1-40-116(4), the Secretary conducted an individual, line-by-line examination of all signatures in the Petition to determine their validity.

35. Based on the Secretary's line-by-line examination, the Secretary determined that 34,827 signatures, or approximately 26.6% of the total signatures collected, were invalid.

36. The Secretary deemed the remaining 130,938 signatures valid and officially placed Initiative #195 on the 2026 general election ballot on September 1, 2026, via a Statement of Sufficiency. (*See* Ex. 1.)

37. Based on the Secretary's review and invalidation of 26.6% of the Petition signatures, Initiative #195 was placed on the 2026 general election ballot by a margin of only 6,700 valid signatures above the 124,238 signature requirement.

E. Plaintiff's Protest of the Secretary's Statement of Sufficiency.

38. The Secretary wrongfully or mistakenly validated 9,849 signatures obtained by the Proponents. As set forth in this Complaint, these signatures have errors associated with circulator registration and training. Therefore, the Proponents have failed to obtain the required number of valid signatures to place Initiative #195 on the ballot.

39. Pursuant to 8 C.C.R. § 1505-1:15.2.4, petition entities must update circulator registration information, including license information and information regarding additional circulators hired. The Secretary erroneously validated 9,849 signatures gathered by paid circulators who were not properly registered, did not submit training certificates, and whose registration information was not properly updated.

40. A list of Initiative #195's paid circulators, provided by the Secretary of State's Office and attached as **Exhibit 2**, lists 311 individuals paid to circulate petitions for Initiative #195.

41. A list of registered petition entities, and the circulators paid by each entity, provided by the Secretary of State's Office and attached as **Exhibit 3**, lists 499 individuals associated with petition entities registered to circulate petitions for Initiative #195.

42. There are 69 individuals that appear on the list of paid circulators (Exhibit 2), but do not appear on the list of registered petition entities (Exhibit 3).

43. Based on the Secretary of State's own records, these 69 individuals were not registered through a petition entity and did not receive the required training. Thus, they should not have been paid to circulate petitions for Initiative #195.

44. A list of the individuals that are included on the paid circulators list (Exhibit 2), but do not appear on the list of registered petition entities (Exhibit 3) is attached hereto as **Exhibit 4**.[1]

45. In total, these paid circulators collected 9,849 signatures across 462 petition sections, spanning all 35 senate districts. A spreadsheet showing the signatures gathered by each of these 69 paid circulators organized by petition section, Bates number, circulator, and senate district is attached hereto as **Exhibit 5**.

[1] It should be noted that a training certificate for circulator Dartangan Martin appears to have been submitted to the Secretary of State. However, this circulator collected only 38 signatures deemed valid by the Secretary of State. Therefore, even if these signatures are counted, despite no record of this circulator being registered, they are not enough to raise the number of signatures to meet the minimum threshold, as described further below.

46. A table depicting this breakdown by Senate District ("SD") is below:

District	Required	Valid	Margin	Total from Paid but Unregistered
SD 1	2534	3288	754	380
SD 2	2940	3318	378	332
SD 3	2546	3580	1034	371
SD 4	2995	3835	840	369
SD 5	2540	3581	1041	787
SD 6	2776	4508	1732	83
SD 7	2628	3414	786	544
SD 8	2573	3368	795	370
SD 9	2929	3686	757	320
SD 10	2731	3358	627	367
SD 11	2316	3732	1416	399
SD 12	2508	3597	1089	453
SD 13	2095	3020	925	75
SD 14	2473	3494	1021	49
SD 15	2788	3047	259	45
SD 16	2709	4513	1804	490
SD 17	2690	3567	877	121
SD 18	2425	3822	1397	167
SD 19	2657	4078	1421	131
SD 20	2781	3417	636	180
SD 21	2276	3737	1461	138
SD 22	2506	4226	1720	276
SD 23	2979	3437	458	141
SD 24	2281	2717	436	144
SD 25	2598	3794	1196	198
SD 26	2357	3092	735	329
SD 27	2631	3729	1098	215
SD 28	2052	2614	562	299
SD 29	2095	2985	890	295
SD 30	2958	3885	927	469
SD 31	2775	6920	4145	302
SD 32	2252	3474	1222	194
SD 33	2369	4490	2121	277
SD 34	2648	4350	1702	249
SD 35	2870	5265	2395	269
TOTAL	**90281**	**130938**	**40657**	**9828**

47. Therefore, due to this issue, the Secretary of State should have invalidated 9,849 signatures, which, when subtracted from the 130,938 signatures previously approved as valid by the Secretary, places the total valid signature count at 121,089.

48. 121,089 signatures is below the 124,328 required valid signatures needed to place Initiative #195 on the 2026 general election ballot.

CLAIM FOR RELIEF
(C.R.S. § 1-40-111 and 8 C.C.R. § 1505:1-15.2.4 — Errors in Circulator Registration and Circulator Affidavits)

49. Plaintiff incorporates paragraphs 1 through 48 of this Complaint as if fully set forth herein.

50. Each petition circulator who signed the circulator affidavit attached to Initiative #195's petition sections was required to truthfully verify all elements of the affidavit and to comply with all requirements of C.R.S. § 1-40-111(2)(a).

51. Consistent with these requirements, every petition section for Initiative #195 contains a sworn statement in which the circulator affirms: "I have read and understand the laws governing the circulation of petitions."

52. The "laws governing the circulation of petitions" include the registration requirement and the Secretary of State's rules at 8 C.C.R. § 1505-1:15.2.4.

53. Under the Secretary of State's rules, a paid circulator who was never registered cannot have "read and understood" those rules in any meaningful sense—or, if they did, they may have consciously disregarded them.

54. This is especially true when no training certificate was provided.

55. An unregistered paid circulator's affidavit is therefore materially false.

56. A defective circulator affidavit invalidates the entire section of signatures.

57. Under C.R.S. § 1-40-111(2)(c), as well as the corresponding rules, if a petition section does not have a valid, notarized circulator affidavit that complies with all of the requirements set forth in C.R.S. § 1-40-111(2)(a) and (b), the Secretary must reject the entire section (including all signatures) as invalid.

58. Moreover, the aforementioned statutes, together with the implementing regulation at 8 C.C.R. 1505-1-15, establish a comprehensive regime for ensuring the integrity of the petition process—including that paid circulators are identified, registered, and trained before they begin soliciting signatures.

59. 8 C.C.R. § 1505-1:15.2.4 requires petition entities to update license information and circulator information when additional circulators are hired. Paid circulators must be properly registered and submit training certificates before gathering petition signatures.

60. For Initiative #195, according to the Secretary of State's own records, 9,849 signatures were gathered by paid circulators who were not registered, did not submit a training certificate, or whose registration information was not properly updated in accordance with 8 C.C.R. § 1505-1:15.2.4. With one possible exception regarding a training certificate, *see* n.1, there is no record that any of the 69 circulators were properly registered or obtained a training certificate.

61. Signatures gathered by unregistered and untrained circulators are invalid and should not have been counted toward the sufficiency determination. The Secretary's Statement of Sufficiency should be modified to invalidate all such signatures.

62. Colorado courts apply a substantial compliance standard in gauging adherence to statutes regulating the right of initiative and referendum. *Fabec v. Beck*, 922 P.2d 330, 341 (Colo. 1996). The standard asks courts to consider "(1) the extent of noncompliance, (2) the purpose of the applicable provision and whether that purpose is substantially achieved despite the alleged

noncompliance, and (3) whether there was a good-faith effort to comply or whether noncompliance is based on a conscious decision to mislead the electorate." *Id.*

63. Under *Loonan v. Woodley*, 882 P.2d 1380, 1385–86 (Colo. 1994), the absence of even an attempt to satisfy a statutory requirement is the strongest ground for invalidation because it is fatal under both the second substantial compliance factor (statutory purpose is wholly unachieved) and the third factor (no good-faith compliance effort can be shown).

64. The failure to register, update registration, and submit training certificates for these circulators demonstrate both pervasive noncompliance and deficiencies frustrating the statute's core purpose. Moreover, there does not appear to have been a good-faith effort to comply with the requirements, and it is possible that this requirement was violated as part of a conscious decision to mislead the electorate.[2] Therefore, at least the first two factors of the substantial compliance test are not satisfied.

65. The circulator affidavit requirements are intended to prevent fraud, abuse, or mistake in the petition process, and the deficiencies described above wholly defeat that protective purpose. C.R.S. § 1-40-118(5); *Fabec v. Beck*, 922 P.2d 330, 342-43 (Colo. 1996).

66. Thus, signatures obtained in support of Initiative #195 by Petition circulators who submitted defective affidavits were submitted to the Secretary in violation of rules intended to prevent fraud, abuse, and mistake in the petition process. The Secretary's Statement of Sufficiency should be modified to invalidate all signatures gathered by the identified 69 paid circulators that were submitted by the Proponents in violation of C.R.S. § 1-40-111 and the corresponding rules.

[2] Indeed, one of the Proponents was listed as a paid circulator, but no record exists of that Proponent being registered or having obtained a training certificate.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that the Court conduct a forthwith hearing pursuant to C.R.S. § 1-40-119 and enter judgment in favor of Plaintiff and against Defendants, and enter an order that:

A. Vacates the Secretary's Statement of Sufficiency regarding Initiative #195 or, alternatively, modifies the Statement of Sufficiency to invalidate the signatures in the petition sections listed in the Exhibits to this Complaint;

B. Declares that the signatures submitted to the Secretary in violation of C.R.S. §§ 1-40-101 *et seq.* and listed in the Exhibits hereto are invalid as a matter of law;

C. Declares that the Proponents failed to gather the minimum number of valid signatures to certify Initiative #195 for the 2026 general election;

D. Enjoins the Secretary of State from placing Initiative #195 on the general election ballot for 2026; and

E. Awards such other and further relief as this Court deems appropriate.

Dated this 16th day of September, 2026.

BROWNSTEIN HYATT FARBER SCHRECK, LLP

By: *s/ Jason R. Dunn*
Jason R. Dunn, #33011
David B. Meschke, #47728

Attorneys for Plaintiff

VERIFICATION

STATE OF COLORADO)
) ss.
COUNTY OF ARAPAHOE)

I, Michael Andre Hancock, hereby state under oath that I have reviewed the foregoing Verified C.R.S. § 1-40-118(1) Protest and Complaint for a Hearing and Other Relief and that the factual statements made therein are true and correct to the best of my knowledge, information, and belief.

Dated: September 16, 2026

Michael Andre Hancock

Michael A. Hancock

Subscribed and Sworn to before me this 17th day of September, 2026, by Michael Andre Hancock.

[SEAL]

NOTARY PUBLIC STATE OF TEXAS

Jamila Islam

ID NUMBER
135547841
COMMISSION EXPIRES
February 11, 2030

Jamila Islam

Notary Public

My Commission Expires: 02/11/2030

Notary Public, State of Texas

Electronically signed and notarized online using the Proof platform.