

<p>COLORADO SECRETARY OF STATE 1700 BROADWAY, SUITE 200 DENVER, CO 80290</p> <hr/> <p>BEFORE THE SECRETARY OF STATE, COLORADO DEPARTMENT OF STATE, <i>in re</i> ED 2021-27:</p> <p>ELECTIONS DIVISION OF THE SECRETARY OF STATE,</p> <p>Complainant,</p> <p>vs.</p> <p>UNITE FOR COLORADO,</p> <p>Respondent.</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>PHILIP J. WEISER, Attorney General MICHAEL KOTLARCYK, No. 43250 Senior Assistant Attorney General* JASON P. MARQUEZ, No. 56361 Assistant Attorney General* 1300 Broadway, 6th Floor Denver, CO 80203 Telephone: (720) 508-6763 Email: mike.kotlarczyk@coag.gov jason.marquez@coag.gov *Counsel of Record <i>Attorneys for Elections Division of the Secretary of State</i></p>	
<p style="text-align: center;">ELECTIONS DIVISION’S REPLY IN SUPPORT OF MOTION TO STAY</p>	

Pursuant to 8 C.C.R. §1505-6:24.10.2, the Elections Division hereby files this reply in support of its June 27, 2023 Motion to Stay.

Unite’s response states that it takes no position on the stay. As a result, the Division’s motion for a stay is unopposed and the stay should be granted for the reasons stated in its motion.

The Division also wishes to respond briefly to Unite’s statement that the timing of its motion for a stay demonstrates that its pursuit of litigation in this matter is vexatious. This argument relies on the premise that the Division

decided to seek a stay only after the outcome of judicial review in Unite I. And as Unite's counsel is aware, this is not true.

The Division initially communicated its intention to seek a stay in Unite II to Unite's counsel on April 18, 2023. Exhibit 1.

The District Court did not issue its decision on Unite I until April 21, 2023, after the Division had communicated its intent to seek a stay to Unite's counsel. As a result, there can be no argument that the Division's decision to seek a stay in Unite II was in any way related to being "in the losing position" in Unite I. Unite's contention that the Division's prosecution of this complaint is "vexatious" is thus without merit.

CONCLUSION

This matter should be stayed pending resolution of Unite I.

Respectfully submitted this 7th day of July, 2023.

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/s/ Jason P. Marquez

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CERTIFICATES OF SERVICE

This is to certify that I will cause the within filing to be served this 7th day of July, 2023, by email, addressed as follows:

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/s/ Jason P. Marquez