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Syllabus

COLORADO DEPARTMENT OF STATE *v.* BACA ET AL.
CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE TENTH CIRCUIT

No. 19–518. Argued May 13, 2020—Decided July 6, 2020

Held: The judgment of the Court of Appeals, which held that Colorado’s faithless elector law violates the Constitution, is reversed for the reasons stated in *Chiafalo v. Washington*, 591 U. S. 578 (2020). 935 F. 3d 887, reversed.

Philip J. Weiser, Attorney General of Colorado, argued the cause for petitioner. With him on the brief were *Eric R. Olson*, Solicitor General, *Grant T. Sullivan* and *Michael D. McMaster*, Assistant Solicitors General, *LeeAnn Morrill*, First Assistant Attorney General, and *Michael Kotlarczyk*, Assistant Attorney General.

Jason Harrow argued the cause for respondents. With him on the briefs were *L. Lawrence Lessig*, *Sumeer Singla*, *Daniel A. Brown*, *Hunter M. Abell*, *Jonah O. Harrison*, *J. Max Rosen*, and *Jason B. Wesoky*.*

*Briefs of *amici curiae* urging reversal were filed for the State of South Dakota et al. by *Jason R. Ravensborg*, Attorney General of South Dakota, and *Paul S. Swedlund*, Assistant Attorney General, and by the Attorneys General for their respective jurisdictions as follows: *Steve Marshall* of Alabama, *Kevin G. Clarkson* of Alaska, *Mark Brnovich* of Arizona, *Xavier Becerra* of California, *William Tong* of Connecticut, *Kathy Jennings* of Delaware, *Karl A. Racine* of the District of Columbia, *Ashley Moody* of Florida, *Christopher M. Carr* of Georgia, *Clare E. Connors* of Hawaii, *Lawrence Wasden* of Idaho, *Kwame Raoul* of Illinois, *Curtis T. Hill, Jr.*, of Indiana, *Tom Miller* of Iowa, *Daniel Cameron* of Kentucky, *Jeff Landry* of Louisiana, *Aaron M. Frey* of Maine, *Brian E. Frosh* of Maryland, *Maura Healey* of Massachusetts, *Dana Nessel* of Michigan, *Keith Ellison* of Minnesota, *Lynn Fitch* of Mississippi, *Eric S. Schmitt* of Missouri, *Timothy C. Fox* of Montana, *Doug J. Peterson* of Nebraska, *Aaron D. Ford* of Nevada, *Gordon MacDonald* of New Hampshire, *Gurbir S. Grewal* of New Jersey, *Hector Balderas* of New Mexico, *Letitia James* of New York, *Josh Stein* of North Carolina, *Wayne Stenehjem* of North Dakota, *Dave Yost* of

Per Curiam

PER CURIAM.

The judgment of the United States Court of Appeals for the Tenth Circuit is reversed for the reasons stated in *Chiafalo v. Washington*, 591 U. S. 578 (2020).

It is so ordered.

JUSTICE SOTOMAYOR took no part in the decision of this case.

JUSTICE THOMAS concurs in the judgment for the reasons stated in his separate opinion in *Chiafalo v. Washington*, 591 U. S. 578, 597–609 (2020).

Ohio, *Mike Hunter* of Oklahoma, *Ellen Rosenblum* of Oregon, *Josh D. Shapiro* of Pennsylvania, *Peter F. Neronha* of Rhode Island, *Alan Wilson* of South Carolina, *Herbert H. Slatery III* of Tennessee, *Sean D. Reyes* of Utah, *Thomas J. Donovan* of Vermont, *Mark R. Herring* of Virginia, *Patrick Morrissey* of West Virginia, *Josh L. Kaul* of Wisconsin, and *Bridget Hill* of Wyoming; for the Campaign Legal Center et al. by *Tobias S. Loss-Eaton*, *Paul M. Smith*, *Adav Noti*, and *David Kolker*; for the Eagle Forum Education & Legal Defense Fund by *Andrew L. Schlafly*; for the National Conference of Commissioners on Uniform State Laws by *James Bopp, Jr.*, *Richard E. Coleson*, *Peter F. Langrock*, *Daniel Robbins*, *Susan Kelly Nichols*, and *Timothy J. Berg*; for the Republican National Committee by *Michael E. Toner*, *Lee E. Goodman*, and *Stephen J. Obermeier*; for Robert W. Bennett by *J. Samuel Tenenbaum*, *Jeffrey T. Green*, and *Sarah O'Rourke Schrup*; for Mary Beth Corsentino et al. by *James G. Sawtelle* and *Christopher M. Jackson*; for Robert M. Hardaway by *Jennifer Gilbert*; and for Michael T. Morley by *Mr. Morley, pro se*.

Briefs of *amici curiae* urging affirmance were filed for the Independence Institute by *David B. Kopel* and *Joseph G. S. Greenlee*; for Jerry H. Goldfeder by *Mr. Goldfeder, pro se*; and for Michael L. Rosin et al. by *Peter K. Stris*, *Michael N. Donofrio*, and *Bridget C. Asay*.

Briefs of *amici curiae* were filed for Citizens for Self-Governance by *Rita M. Dunaway*; for the Colorado Democratic Party by *Paul R. Franke III*; for the Colorado Republican Committee by *Julian R. Ellis, Jr.*; for the Making Every Vote Count Foundation by *Jerrold J. Ganzfried*, *Reed E. Hundt*, and *Thea A. Cohen*; for Edward B. Foley by *Jessica Ring Amunson* and *Zachary C. Schauf*; for Vinz Koller by *Andrew J. Dhuey*; and for Derek T. Muller by *Ian Speir*.