

SUPREME COURT OF COLORADO

Williams v. Libertarian Party of Colorado

2017 CO 86 (2017) · No. 16SC145 · Decided September 11, 2017

SUMMARY

The Colorado Supreme Court held that a claim under 42 U.S.C. § 1983 may not be brought in a proceeding under section 1-1-113 of the Colorado Election Code. The court overruled *Brown v. Davidson* to the extent it held otherwise and concluded that section 1-1-113 does not violate the Supremacy Clause because Colorado courts remain available to adjudicate § 1983 claims. The court reversed the court of appeals and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Colorado
WRITING FOR THE COURT	Justice Eid; Justice Gabriel; Justice Hood
JURISDICTION	Colorado
DECIDED	September 11, 2017
DOCKET	16SC145
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Certiorari review of a Colorado Court of Appeals decision reversing the district court and remanding for determination of whether the respondents were entitled to attorney's fees under 42 U.S.C. § 1988.
STANDARD OF REVIEW	Statutory interpretation reviewed de novo; the court considered whether a § 1983 claim may be joined in a C.R.S. § 1-1-113 proceeding.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Wayne Williams, in his official capacity as Colorado Secretary of State v. Libertarian Party of Colorado, Gordon Roy Butt

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QUESTIONS PRESENTED

1. Whether a claim under 42 U.S.C. § 1983 may be brought or joined in a proceeding under C.R.S. § 1-1-113.
2. Whether C.R.S. § 1-1-113's limitation to violations of the Colorado Election Code conflicts with the Supremacy Clause by excluding § 1983 claims.
3. Whether the respondents could obtain attorney's fees under 42 U.S.C. § 1988 for an unadjudicated § 1983 claim after prevailing on a related state constitutional claim.

HOLDINGS

1. A § 1983 claim may not be brought in a § 1-1-113 proceeding because § 1-1-113 is limited to allegations of a breach, neglect of duty, or other wrongful act under the Colorado Election Code.
2. C.R.S. § 1-1-113 does not run afoul of the Supremacy Clause because Colorado courts remain available to adjudicate § 1983 claims, including on an expedited basis when a preliminary injunction is sought.
3. *Brown v. Davidson* is overruled to the extent it holds that a § 1983 claim may be joined with a petition under C.R.S. § 1-1-113.

KEY QUOTATIONS

“Therefore, a section 1-1-113 proceeding is limited to allegations of a “breach or neglect of duty or other wrongful act” under the election code itself.” (¶ 4)

“We emphasize that Colorado courts remain entirely open for adjudication of section 1983 claims, including on an expedited basis if a preliminary injunction is sought, and that therefore section 1-1-113 does not run afoul of the Supremacy Clause.” (¶ 4)

FACTUAL BACKGROUND

Gordon Roy Butt sought to run for the Colorado Senate as the Libertarian Party candidate in a 2013 recall election. The Secretary of State denied authorization to circulate Butt's nomination petition because it was submitted after the statutory deadline then prescribed by C.R.S. § 1-12-117(1). Butt and the Libertarian Party challenged the deadline under C.R.S. § 1-1-113, asserting a conflict with the Colorado Constitution, and also included a 42 U.S.C. § 1983 claim alleging, among other things, a First Amendment violation. The statutory deadline was later amended, rendering the § 1983 claim moot.

PROCEDURAL HISTORY

The respondents sought relief under C.R.S. § 1-1-113 after the Secretary of State denied a request to circulate a recall-election nomination petition as untimely. The district court ruled for the respondents on their state constitutional claim but did not adjudicate their § 1983 claim, later denying attorney's fees and dismissing the § 1983 claim as moot. The court of appeals reversed and remanded for application of a test governing fees related to an unadjudicated § 1983 claim. The Colorado Supreme Court granted certiorari, reversed the court of appeals, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for further proceedings consistent with the opinion. Because § 1983 claims may not be brought in a § 1-1-113 proceeding, the court did not decide the remaining attorney's-fee issues.

CASES CITED

- Frazier v. Williams, 2017 CO 85, 401 P.3d 541
- Brown v. Davidson, 192 P.3d 415 (Colo. App. 2006)
- Libertarian Party of Colorado v. Williams, No. 14CA2063, 2016 WL 241406 (Colo. App. Jan. 14, 2016)

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