Gmail **Caryn Ann Harlos <carynannharlos@gmail.com>**

FW: Libertarian Party Presidential Paperwork

Caleb Thornton <Caleb.Thornton@coloradosos.gov> Wed, Jul 24, 2024 at 10:41 AM
To: "carynannharlos@gmail.com" <carynannharlos@gmail.com>
Cc: Jeffrey Mustin <Jeffrey.Mustin@coloradosos.gov>

Ms. Harlos,

I apologize, I sent the below message to the wrong email address. Please see my message below.

Caleb Thornton

Legal, Policy, and Rulemaking Manager | Department of State

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Colorado Secretary of State

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From: Caleb Thornton
Sent: Wednesday, July 24, 2024 10:33 AM
To: Angela McArdle <angela.mcardle@lp.org>; caryannharlos@gmail.com
Cc: Jeffrey Mustin <Jeffrey.Mustin@coloradosos.gov>
Subject: Libertarian Party Presidential Paperwork

Good Morning,

EXHIBIT 10

Over the past few weeks, our office has received calls and emails from various Libertarian party officials at both the national and state level regarding the status of your candidate filings. We are reaching out to clarify what we have received and what paperwork we can accept going forward.

To date, we have received valid national party paperwork nominating Chase Oliver and Mike ter Maat for President and Vice President for the party. We have also received those candidates' acceptance forms, and 10 presidential electors in Colorado for those candidates. These filings appear to match the nomination made by the Libertarian Party at their national convention as reported by the party itself here. Under Colorado law, this is a complete filing for President and Vice President for the party and as of this moment, Chase Oliver and Mike ter Maat will be listed as the Libertarian Party's nominees for President and Vice President on the November ballot.

Based on some of the communication we have received from both the state and national party, it now appears that there is an effort to withdraw these candidates as the Libertarian candidates in Colorado. Colorado law would allow a candidate to withdraw from nomination, but the law gives this right to withdraw only to the candidate themselves, not to the candidate's party. C.R.S. 1-4-1001 (1)(a) states, " Any person who has accepted a designation or nomination may withdraw from candidacy at any time by filing a letter of withdrawal. The withdrawing candidate shall sign and acknowledge the letter before an officer authorized to take acknowledgement sand shall file the letter with the designated election official with whom the original certificate or petition of candidacy was filed."

Similarly, presidential electors in Colorado function as agents of the candidate, and are bound to vote for that candidate should they win the election in Colorado. *See* Section 1-4-304(5), C.R.S. So while a presidential elector could withdraw themselves from participating in a vote in the electoral college, this withdrawal does not function as a withdrawal of candidacy for the candidate in question. Instead, that vacancy would be filled by the other electors at the meeting of the electoral college. *See* 8 CCR 1505-1, Rules 24.3.1 and 24.3.3.

Therefore, in the absence of a submission of a withdrawal form from either candidate, our office must proceed with placing Mr. Oliver and Mr. ter Maat on the Colorado ballot as the Libertarian Party candidates for President and Vice-President.

Any questions regarding the process for selecting electors for the candidates or the filing of documents with our office are internal party matters for you all to discuss and pass judgement on. However, in the absence of a withdrawal form from either candidate, those discussions would not affect our determination the candidate paperwork we have received for the Libertarian Party is complete.

Thank you,

Caleb Thornton

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