

COLORADO ACCELERATES TIMELINE AND SCOPE OF SCOTUS REVIEW OF TRUMP'S JANUARY 6 CONDUCT

Colorado just booted Trump from the ballot, building on the lower court ruling that not only was January 6 an insurrection, but Trump is an officer thereby disqualified to be President.

I'm not going to read the opinion closely – I'm sure the whole world will do that.

This ruling's impact will be more important for the way it will accelerate and expand the scope of the Supreme Court's review of Trump's January 6 conduct. The state has stayed their decision until January 4, giving Trump time – but not much – to appeal.

Therefore, to maintain the status quo pending any review by the U.S. Supreme Court, we stay our ruling until January 4, 2024 (the day before the Secretary's deadline to certify the content of the presidential primary ballot). If review is sought in the Supreme Court before the stay expires on January 4, 2024, then the stay shall remain in place, and the Secretary will continue to be required to include President Trump's name on the 2024 presidential primary ballot, until the receipt of any order or mandate from the Supreme Court.

There's a non-zero possibility this will lead SCOTUS to accelerate their consideration of the Absolute Immunity appeal, which is more important in the near and long term. After all, if Trump were found guilty, then states really could and should consider the 14th Amendment implications.

One more point: Because Trump will have appealed by January 4, he will be on the primary ballot, giving SCOTUS lots of time to consider this issue before the General. But it really does put the onus on SCOTUS to decide a lot of these issues quickly.