

Answers to staff questions on #43 in the April 12, 2023 R & C memorandum

NOTE: We made three minor edits to the draft. They should not cause added questions. Send us a letter next week that staff has no added questions based on these three words.

A) In section 1 (2), we changed 120,000 to 100,000. The prior entry burden is too great for grassroots petitioners.

B) In section 2, we changed 60,000 to 50,000. We want to keep the 2:1 ratio of initiative (one year) and referendum (90 days) entries, in view of the shorter collection time to file referendum entries.

C) We changed “or” to “and” in the second sentence of section 1 (1) to make it clear petitioners may file and handle their petitions in ANY Colorado election office, whether the secretary of state or the clerk-recorder in any county (but not a city). They may use different procedures at different offices. Petitions for a state law may be filed at a county office; a city law may start with the state. “County” includes Denver or Broomfield as a city and county, but does not let a regular city substitute for a county. Petitioners get a choice to counter bias or incompetence, for example. That’s why we say “All state...”

We submit today a revised text with the three edits. The email should also have the original margins in the second, fifth, and seventh paragraphs.

MAJOR PURPOSES

2. “initiative” should have an “s” to pluralize it, as “referenda” is plural.
8. Your summary left out the key end to the sentence--”of a petition.” It will take a petition to change a petition. That is one way petitioners will preserve their win.

ANSWERS

1. Petition rights.
2. The effective date is stated in section 4--”effective at once”. That is Election Day.
3. The petition rights are plainly listed in the seven paragraphs of the text.
4. See change in C) above from “or” to “and.” It is the secretary of state “and” every county (including city and county) election office, like a clerk-recorder in 64 counties.

5. Your question left out “to” between “required” and “provide?” They will handle draft review of state texts, title setting, sample printing, legal procedures for petitions, etc.
6. A “state text” is a draft for a state law, like #43 here, for review and comment.
7. It starts when petitioners file their draft, just as now. Review does not take 14 days. If filed on a Monday, it would normally be held by Friday. Tu-Fri= four. If filed on Wednesday, it would be next Monday, assuming that is not a government holiday.
8. The election office where it was filed. A petitioner from Durango has the right to petition without being forced to Denver for two days. He will appear by phone or Zoom or email or in person at the county election office. It is simple decent fairness.
9. Regular rules apply. If a deadline ends on a holiday, carry over to the next day.
10. There is no intervening meeting.
11. Six days after the first filing (two days after any state review). The times overlap.
12. The election officer. A county may have a title setting board, but need not. Titles are set where filed unless petitioners file for title setting in another election office.
13. The general assembly may require a central public notice for all title settings. That would be the duty of the election office that sets the title.
14. We do not change that standard. The duty of the local election office is to comply.
15. A 60-word ballot title “shall be set.” That is mandatory. Violations are not permitted.
16.
 - a. Multiple subjects, subject not disclosed in title, over 60 words, not in question form, untrue, biased, etc.
 - b. “All” means anyone; no lawyer required.
 - c. Yes.
 - d. Yes.
 - e. Yes. They simply decide if the one sentence is clear, fair, and balanced in a single subject. They can read in a few minutes arguments raised in any “briefs” within six days. They need not take six full days to issue an opinion. An easy process.
 - f. Yes. See e. above.
 - g. Yes
 - h. No.
 - i. State petition forms used in calendar year 1992, the year before 1993. If you understand “penultimate,” you should also understand “1992.”

- j. A sample is a complete prototype or exemplar of all pages that comprise a petition section for petition carriers to circulate for entries. Prep'd by office.
 - k. Yes. Yes. They must read and honor their declaration in English in the affidavit.
17. THIS WILL BE CHANGED TO 100,000 entries (see above). Yes. If you don't understand the meaning of "5%" or of "100,000 entries," we can't help you.
 18. There is no contradiction. Our Petition Rights Amendment (PRA) is an alternative path to ballot access for petitions. Existing provisions do not prohibit a choice. The state title board (three state lawyers) approved this sentence in 2022 in draft #54 and set a title. PRA does NOT repeal or alter any constitutional wording; it is statutory only. Our 1910 constitution is one way, but does not mandate it is the ONLY way for an initiative. Subsection (2.5) covers only a petition for a constitutional amendment; PRA is for a statute only. Staff should not confuse the two goals. Your claim constit. wording is a "requirement" of any initiative is false. Your "comments" are borderline violations of Article V section 1 (5); read its last sentence. You shall not "have any power to require the amendment, modification, or other alteration of the text of any proposed measure...." The existing process is one option; we are proposing another.
 19. An entry line is equal to its contents. The information is entered on an entry line.
 20. Yes. Your word "may" is permissive. Our entry lines must list these categories.
 21. We want the line to state all items; the secretary of state is not the law. She already violates the law in 1 (6) by ignoring the legal presumption of validity and being hostile to petitions. She requires 190,000 entries because she presumes 30% will be invalid for petty technicalities; she is violating the constitutional presumption.
 22. Current state law makes the state hostile to petitions, just as staff is here.
 23. No. We repeat and enforce the legal presumption of validity on its face now in 1 (6).
 24. A small error or omission, like a digit in a year or some other blemish. The secretary of state ISSUES those notary seals, then voids petition sections by the negligence of her own agents! It is retroactive to the elector entry, which is days or months before!
 25. Petitioners file entries with the election office they choose. Obviously, one won't file with a hostile office. Yes. Obviously, the "entry" has no choice; people do. See last sentence of 1 (1) which refers to "any adult" filing petition sections.
 26. Yes.

27. That is the subjective judgment of petitioners filing completed petition sections.
28. This rejects entries with an hopeless scrawl and no address, or a prank name/address (“Pluto.”) OK entries may be flawed, omit “road,” unit number, Zip code, year, etc.
29. Two days after the election office report on compliance.
30. Insufficient number of entries, private proof of entries not from registered electors on official voter rolls, half an entry, prank entries, address outside the district, death certificates before date signed, use of P .O. box, etc. Protesters must overcome the legal presumption of validity by substantial evidence, or they fail.
31. Protesters may present factual claims. The supreme court is the right forum/venue.
32. There are 168 hours per week. Six days is over 1,000 hours for its seven members. Their lengthy history of delays is scandalous.
33. 10 days from the date of filing a protest with the supreme court.
34. Plain English. PRA defines district. If you don’t know what a registered elector is, ask the secretary of state. “Truly addressed” means you presume they gave their home address. The presumption applies to all government decisions.
35. Sworn evidence using official voter rolls in alphabetical order, e.g. People have a constitutional right to petition; they don’t have a fundamental right to stop one.
36. Invalidity is a court ruling that protesters have met their burden of proof. It is found, if at all, on or before the 10th day after protesters file in the supreme court.
37. Filing entries delivered late, plus new entries collected after first filing, plus corrections to the first entries. Petitioners may file with the same election office or a new one. They may collect entries during the protest process.
38. We have a right to have one day a year for petition elections. The statute you cite overrides the constitution that you cite. Again, this is an alternative process. The last sentence of 1 (4)(a) says the general assembly may enact any law; Article II says all power is derived from the people, who amended the original constitution in 1910 to share EQUAL legislative power with the GA. PRA is also severable. Federal courts have held repeatedly in CO cases that CO must obey federal constitutional standards of due process, equal protection, and fundamental fairness. The state

cannot say the general assembly can have elections any time, but citizens have only one day every two years to vote. Ironically, their right to petition is protected by the First Amendment. The legislature has told 35,000 LIES (false emergencies) in the 90 YEARS since they started depriving us of our right to petition. PRA challenges the domination of the corrupt and dishonest general assembly, hostile to petitions.

39. Election notices are found in TABOR which allows petitions every November. The legislature reluctantly allows such elections. PRA incorporates all elections, which must follow TABOR. TABOR defines “ballot issue” as “a non-recall petition or referred measure in an election.” So any petition is a ballot issue. TABOR (3)(a) says “Ballot issues shall be decided...(also) on the first Tuesday in November in odd-numbered years.” The supreme court has dishonestly redefined ballot issue to mean “tax increase.” Section 1 (4)(a) was amended by TABOR in 1992. Federal courts will spank our state legislature and state supreme court yet again for their arrogance and audacity.

40. See TABOR (3)(b). Comments cover any ballot issue, not just tax increases. TABOR (3)(b)(v) also says “Petition representatives following these rules shall write this summary for their petition.” That means ANY petition on ANY subject. The state’s prolonged, wanton, and corrupt violation of our state constitution is coming to a close.

41. The danger here is NOT inaccuracy that escapes the claws of the Ministry of Truth, but rampant and lawless conduct by authoritarians in the State.

42. Another typo—is instead of it. A web address is printed on each side, NOT all pages.

43. One web address is from petitioners, and one by timely filing a site by opponents.

44. Petitioners are easily identified; foes should be the first to file their timely opposition.

45. No, but wouldn’t petitioners create a site, or hire it to be done? They want to win.

46. If none is filed, none is listed.

47. “Ministry of Truth” was a JOKE. The state is not responsible for political Truth. Distortions in the Blue Book are safe, for now.

48. Yes.

49. Local petitions ARE ALSO limited to one election each November. Yes.

50. Yes. Yes. PRA tolerates politicians telling citizens 10 lies a year. A quota.

51. The legislature would be crazy to let the Long Bill be held up by a petition.
52. Entries showing public support are the idea behind petitions. The draft we file will require 50,000 entries in a short time. That is a high burden.
53. PRA is consistent with the theme that a referendum petition should be selective. PRA is not a contradiction but an alternative to the 90-year corrupt conspiracy by your employers. Your gang of liars is a national disgrace....c. 35,000 LIES!
54. a. Yes. b. Yes.
55. Bills or sections of bills that voters reject by their vote in referendum petitions.
56. No. It would apply only to future legislation to criminalize that specific act.
57. If a petition is voter approved to do X, a change in that petition must be by voter approval of another petition. A rejected topic can be poison to a bill.
58. They explain two words used in PRA. They do not rewrite the entire C.R.S.
59.
 - a. Jeffco Law Enforcement Authority and Pikes Peak Rural Transportation Auth.
 - b. It may affect their range of legislative action, the same as with library boards.
 - c. We include home rule governments, which also try to exempt themselves from state law. We ensure Article XX does not set up unaccountable layers of laws.
 - d. See answer to c.
 - e. ONCE AGAIN, PRA is an alternative to the status quo. It is a fair and uniform way to fix the big problem of making thousands of local district accountable. It is bogus to say local control is antithetical to voter control. Voting is the ultimate control of local government. All petitions do is let people vote.
 - f. No. We want a uniform system of voting. A foolish local plan to repeal the state constitution is a mirage. Local governments fear voter control. "Where people fear government, there is tyranny; where government fears the people, there is liberty." A local vote to make blacks pay double taxes denies equal protection and due process of law; it is unAmerican. We prefer people power, not politicians.
60.
 - a. Initiatives must be on legislative policy, not administrative minutiae (what day should cops wash police cars). We are not interested in micromanagement.
 - b. Yes, You may own a store in a city, but live outside city limits. You still have rights and interests to protect. You can carry a petition you cannot sign.
 - c. CO has an 8-month freeze on starting petitions, starting in April. There is no expiration date on the Bill of Rights. We the People are not quarts of milk.
 - d. It demeans the right to vote to argue about zoning laws for Mr. X's vacant lot.

61. This is NOT a constitutional amendment. Your question is nonsense. A statute cannot repeal the constitution. Your scare tactic hypothetical is ludicrous. A law means a “statute,” not a normal word for Joe Plumber. Look at the mudslinging in your 100+ questions. Stop exploiting the poor quality of government schools and lack of civics in government indoctrination centers. We shall overcome.
62. Ask the supreme court; that’s why we have courts. (Don’t reveal they flip coins.)
63. An area open to the public, like big box retailer exit doors, parks, stadia, etc.
64. PRA says nothing about crime. It is a civil penalty for depriving citizens of their civil rights. Be glad PRA does not target state staff. Trial courts apply the law.
65. A carrier is a petition circulator, seeking entries from registered electors.
66. Yes.
67. Courts allow attorneys to email. Equal protection says citizens should have the same right. Police must stop making arrest for First Amendment activity. Petitioners in Durango should have hearing access by phone, Zoom, email, etc. They should be able to join this review and comment hearing by using technology. PRA does not allow “signatures” (entries) by phone or email.

TECHNICAL COMMENTS

Spare us this silly process. Our text is much clearer than your “laws.” We are acting in good faith. Please send the letter waiving a re-hearing over three words covered today.