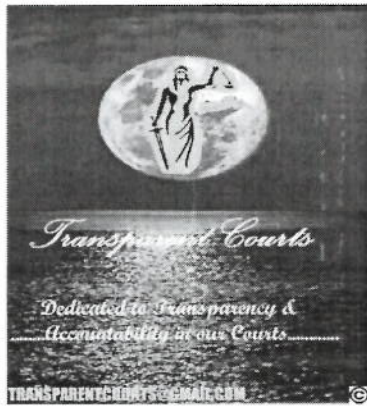


Constitutional Amendments



"Dedicated to Transparency & Accountability in our courts."

*"Justice requires Transparency & Accountability"
"Giving up is not an option"*

April 17, 2017

Colorado Legislative Council Staff
Mike Mauer, Director
Room 029,
State Capitol Bldg. 80203
Via Email: lcs.ga@state.co.us

Re: Proposed Constitutional Ballot Initiative

<https://www.scribd.com/document/345309925/Amendment-to-the-Colorado-Constitution-Submitted-by-Transparent-Courts-and-f-a-c-e-u-s>

Dear Mr. Mauer:

Attached please find a Constitutional Ballot Initiative for the 2018 ballot:

Proponents:

Mr. Peter Coulter
Mail Address: 151 Summer Street #654
Phone: 720 549-5349
Email: TransparentCourts@gmail.com

Mr. Robin Austin
Mail Address: 18901E. Hawaii Dr. Aurora, 80017
Phone: 828 773-1561
Email: WonderfulRobin@yahoo.com

Thank you for your time and consideration in this matter.

/s/Peter Coulter /s/Robin Austin



Amendment _____ proposes amending the Colorado Constitution to:

- A. Require that a certain decrease in percentage of registered voters be required to place an Initiative on the ballot by electronic signature;
 - AND**
 - B. Decrease the percentage of votes required to adopt a constitutional amendment.
-

Proponents Comments.

The effort for Initiatives and Referendums in Colorado was started by Dr. Persifor M. Cooke of Denver in the mid-1890s. As secretary and president of the *Colorado Direct Legislation League*, Cooke and the constitutional lawyer J. Warner Mills of Denver fought for I&R from 1900 until 1910, when Governor John F. Shafroth called a special session of the legislature to consider the issue. The constitutional amendments that were passed provided for initiative, referendum, and recall on both state and local levels.

Coloradans set their state's record for initiative use the first year it was available, in 1912, by putting 20 initiatives on the ballot. Eight of the initiatives passed and challenges to legislatively approved laws were sustained in five of the six cases. Among these were laws or amendments establishing an eight-hour work day for workers employed in "underground mines, smelters, mills and coke ovens;" giving women workers an eight-hour day; providing pensions for orphans and for widows with children; establishing juvenile courts in major cities and counties; and granting home rule to cities and towns.

Over the years, Colorado voters proved sympathetic to the needs of the aged and infirm, approving initiatives providing for the treatment of mental illness in 1916 and 1920, relief for blind adults in 1918, pensions for the aged and for indigent tuberculosis sufferers in 1936, and increased pensions adjusted for inflation in 1956. Colorado voters also remained friendly to organized labor, approving an initiative statute changing the workmen's compensation law to benefit employees in 1936 and defeating an employer-backed "Right to Work" initiative in 1958.

In the early 1970s, Coloradans passed environmentalist-backed initiatives to keep the Winter Olympics from being held in their state (1972) and prohibit underground nuclear explosions except with prior voter approval (1974). Richard Lamm, an obscure state legislator when he sponsored the anti-Olympics initiative, gained sufficient prestige from his leadership of this campaign to later win election as governor.

In 1984, Colorado became the first state to pass an initiative, Amendment 3, banning the use of state funds for abortion (the second was Arkansas, with its Ban on Public Funding of Abortion in 1988). Voters approved the measure by a single percentage point. Less controversial and more popular was the 1984 "Motor Voter" initiative.

which set up a system of voter registration at driver's licensing bureaus. This highly successful program increased the number of registered voters in Colorado by 12.4 percent in the 15 months from July 1985 to October 1986.

Hostility to the initiative process by the political establishment manifested itself in the 1976 election with a *No on Everything* campaign that outspent proponents with over 91% of all funds expended. The election was followed by a series of legislative efforts to restrict use of the initiative. Notorious for exceeding the "reasonable regulation" guideline, Federal Courts have struck down more of Colorado initiative restrictions than any other state. Those most famous are *Meyer v. Grant* in 1986 and *Buckley v. American Constitutional Law Foundation* in 1999 – both went all the way to the U.S. Supreme Court.¹

In 2016, three Constitutional Initiatives² were put forward by Greg Brophy and Dan Gibbs to make it more difficult to get a ballot initiative on the ballot and then made it more difficult to pass it by requiring a supermajority of 55% while still only requiring a simple majority vote to remove an amendment.

There is no evidence of abuse of the signature section which has been in force for over 100 years. In our opinion Amendment 71 had/has a hidden agenda of making it more difficult for anti-fracking constituents to get a measure on the ballot; especially since in addition to this requirement is a separate requirement that 2% of all signatures must come from each Senate District while at the same time not making it more difficult to get rid of Amendments such as TABOR.

The ballot initiative was not instituted in 2012 so that common Colorado citizens could not submit amendments to a simple majority vote. And again, one must remember that it has worked well for 104 years. The Constitution has now evolved into a tool for the elitists by making the requirements so difficult only they have the ability and financing to put an Initiative before the Citizens of Colorado. That is especially true now with a single signature gathered by a professional signature gatherer costing upwards of \$2.50, equaling over \$350,000 [140,000 required signatures in 2018 X \$2.50 = \$350,000.]

This initiative makes it easier to put a ballot initiative on the ballot by allowing the elector to electronically sign his or her signature on a respective Initiative. The proponents submit their Initiative to the Secretary of State after the single subject signature has been approved who then provides a web site page for said initiative when any elector may visit and electronically sign their name which can immediately be validated by the Secretary of State by comparing with the official list of electors and their signatures. Signatures may also be collected by previously used hard copy signatures if the proponents want to use that method. Simple. Fair. Equitable.

¹ BALLOTPEDIA https://ballotpedia.org/History_of_Initiative_%26_Referendum_in_Colorado

² Initially they submitted 3 proposed Initiatives;

#93 <https://www.sos.state.co.us/pubs/elections/Initiatives/titleBoard/filings/2015-2016/93Final.pdf>
[55% super majority to pass Initiative]

#96 <https://www.sos.state.co.us/pubs/elections/Initiatives/titleBoard/filings/2015-2016/96Final.pdf>
[2% signature from every Senate District **AND** 55% super majority

#97 <https://www.sos.state.co.us/pubs/elections/Initiatives/titleBoard/filings/2015-2016/97Final.pdf>
[2% signature from every Senate District to pass Initiative]

https://www.courts.state.co.us/Courts/Supreme_Court/2015Initiatives.cfm

FIRST DRAFT SUBMITTED 4/17/2017

BE IT ENACTED BY THE PEOPLE OF THE STATE OF COLORADO:

SECTION 1. In the constitution of the state of Colorado, Section 1(4) of article V is amended to read:

~~(2.5) In order to make it more difficult~~ EASIER to amend this constitution, a petition for an initiated constitutional amendment shall MAY ALSO be ELECTRONICALLY signed ON ELECTRONIC FORMS, DESIGNATED BY THE SECRETARY OF STATE AND SUBMITTED DIRECTLY TO THE SECRETARY OF STATE WHO SHALL TABULATE AND VALIDATE SAID SIGNATURES FOR EACH BALLOT INITIATIVE by registered electors who reside in each state senate district in Colorado in an amount equal to at least two FIVE percent of the total registered electors. COMPILATIONS OF SIGNATURES WILL BE PUBLISHED ON THE SECRETARY OF STATE'S WEB PAGE IN REAL TIME AT NO CHARGE TO REVIEW TO THE PUBLIC. ~~in the senate district provided that the total number of signatures of registered electors on the petition shall at least equal the number of signatures required by subsection (2) of this section. For purposes of this subsection~~ (2.5), the number and boundaries of the senate districts and the number of registered electors in the senate districts shall be those in effect at the time the form of the petition has been approved for circulation as provided by law. VOTER UNDERSTANDS THAT WHILE S/HE MAY SUPPORT THIS SECTION AND NOT SECTION 4(b); S/HE MAY NOT VOTE YES FOR ONE OF THE SECTIONS AND NO FOR THE OTHER SECTION.

(4) (a) The veto power of the governor shall not extend to measures initiated by or referred to the people. All elections on measures initiated by or referred to the people of the state shall be held at the biennial regular general election, and all such measures shall become the law or a part of the constitution, when approved by a majority of the votes cast thereon ~~or, if applicable the number of votes required pursuant to paragraph (b) of this subsection~~ (4), and not otherwise, and shall take effect from and after the date of the official declaration of the vote thereon by proclamation of the governor, but not later than thirty days after the vote has been canvassed. This section shall not be construed to deprive the general assembly of the power to enact any measure.

(b) AND ~~In~~ in order to make it ~~more difficult~~ EASIER to amend this constitution, an initiated constitutional amendment shall not become part of this constitution unless the amendment is approved by at least fifty five FIFTY percent of the votes cast thereon; ~~except that this paragraph (b) shall not apply to an initiated constitutional amendment that is limited to repealing, in whole or in part, any provision of this constitution.~~ VOTER UNDERSTANDS THAT WHILE S/HE MAY SUPPORT THIS SECTION AND NOT SECTION 2.5; S/HE MAY NOT VOTE YES FOR ONE OF THE SECTIONS AND NO FOR THE OTHER SECTION.

SECTION 2. In the constitution of the state of Colorado, Section 2(1) of article XIX is amended to read:

(1) (a) Any amendment or amendments to this constitution may be proposed in either house of the general assembly, and, if the same shall be voted for by two-thirds of all the members elected to each house, such proposed amendment or amendments, together with the ayes and noes of each house thereon, shall be entered in full on their respective journals. The proposed amendment or amendments shall be published with the laws of that session of the general assembly. At the next general election for members of the general assembly, the said amendment or amendments shall be submitted to the registered electors of the state for their approval or rejection, and such as are approved by a majority of those voting thereon or, if applicable the number of votes required pursuant to paragraph (b) of this subsection (1), shall become part of this constitution.

~~(b) In order to make it more difficult to amend this constitution, a constitutional amendment shall not become part of this constitution unless the amendment is approved by at least fifty five percent of the votes cast thereon; except that this paragraph (b) shall not apply to a constitutional amendment that is limited to repealing, in whole or in part, any provision of this constitution.~~

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BE IT ENACTED BY THE PEOPLE OF THE STATE OF COLORADO:

SECTION 1. In the constitution of the state of Colorado, Section 1(4) of article V is amended to read:

(2.5) In order to make it EASIER to amend this constitution, a petition for an initiated constitutional amendment MAY ALSO be ELECTRONICALLY signed ON ELECTRONIC FORMS, DESIGNATED BY THE SECRETARY OF STATE AND SUBMITTED DIRECTLY TO THE SECRETARY OF STATE WHO SHALL TABULATE AND VALIDATE SAID SIGNATURES FOR EACH BALLOT INITIATIVE by registered electors in Colorado in an amount equal to at least FIVE percent of the total registered electors. COMPILATIONS OF SIGNATURES WILL BE PUBLISHED ON THE SECRETARY OF STATE'S WEB PAGE IN REAL TIME AT NO CHARGE TO REVIEW TO THE PUBLIC. VOTER UNDERSTANDS THAT WHILE S/HE MAY SUPPORT THIS SECTION AND NOT SECTION 4(b); S/HE MAY NOT VOTE YES FOR ONE OF THE SECTIONS AND NO FOR THE OTHER SECTION.

(4) (a) The veto power of the governor shall not extend to measures initiated by or referred to the people. All elections on measures initiated by or referred to the people of the state shall be held at the biennial regular general election, and all such measures shall become the law or a part of the constitution, when approved by a majority of the votes cast thereon (4), and not otherwise, and shall take effect from and after the date of the official declaration of the vote thereon by proclamation of the governor, but not later than thirty days after the vote has been canvassed. This section shall not be construed to deprive the general assembly of the power to enact any measure.

(b) AND in order to make it EASIER to amend this constitution, an initiated constitutional amendment shall not become part of this constitution unless the amendment is approved by at least FIFTY percent of the votes cast there. VOTER UNDERSTANDS THAT WHILE S/HE MAY SUPPORT THIS SECTION AND NOT SECTION 2.5; S/HE MAY NOT VOTE YES FOR ONE OF THE SECTIONS AND NO FOR THE OTHER SECTION.

SECTION 2. In the constitution of the state of Colorado, Section 2(1) of article XIX is amended to read:

(a) Any amendment or amendments to this constitution may be proposed in either house of the general assembly, and, if the same shall be voted for by two-thirds of all the members elected to each house, such proposed amendment or amendments, together with the ayes and noes of each house thereon, shall be entered in full on their respective journals. The proposed amendment or amendments shall be published with the laws of that session of the general assembly. At the next general election for members of the general assembly, the said amendment or amendments shall be submitted to the registered electors of the state for their approval or rejection, and such as are approved by a majority of those voting thereon shall become part of this constitution.