

ANSWERS TO NOVEMBER 27, 2020 STAFF QUESTIONS ON #6, PETITIONS

We believe these answers show legislative intent to direct judges, legislators, lawyers, and inform voters about the purposes and benefits of this simpler, fairer, shorter PRA (Petition Rights Amendment). See Bedford v. Sinclair, a 1943 state supreme court case that accords substantial weight to our publicized pre-election statement of our intent.

PURPOSES

1. “Signature form” is unintelligible. That’s why we refer to “entry,” which is all data on the entry line. The line is not just the written script of the name, commonly called a signature. The procedures in the PRA have nothing to do with penmanship.
3. FALSE. The single subject rule “remains” and is NOT repealed. Subsection (1) just shortens the interminable legal morass. Your statement is self-contradictory. The rule is put in a statute of limitations, not the constitution.
6. FALSE. No publication is banned. The original plan of state election notice comments by citizens that was deleted by 1994 issue B is restored for state petitions. State staff will no longer dictate public discussion. Treatment given local issues will once again apply to state petitions. Petitioners get 500 uncensored words to speak to their fellow citizens. Opponent comments are summarized by state and local election officials.

SUBSTANTIVE COMMENTS AND QUESTIONS

1. To summarize the petition process and legal effects of voter-approved petitions.
2. PRA says it is “effective at once;” that is clear.
3. a. Yes. The text will be the one that deletes the 14 words at the end of the prior text. We intend to file for the December 16 ballot title hearing. Our final text is the same as the original text except we delete the last sentence, which is not essential.
b. No. We will submit it at the ballot title hearing.
c. We will send to the staff.
4. No. The text says clearly any voter-approved petition may be changed only by a voter-approved petition. Politicians cannot override the will of the voters.
5. Yes.
6. No.

7. A state OR local petition can be filed in the state OR any applicable county office. “Handling” a petition means being administering all petition procedures.
8. Yes. Any valid petition can be voted on “any November.” The local petition can be handled by any county where it applies, OR by the state. Your hypothetical is wrong. It is handled by the county or the state; that avoids bias. No city, school, or special district has the authority to handle their own petition elections. We avoid local bias.
9. No. It says “county election office IN THE DISTRICT.” Your hypothetical misreads the text. Denver ordinances cannot be handled by the La Plata county election office. We will have a choice of a state or county election official. That choice avoids bias.
10. “Any county election official in the district” is clear. RTD covers many counties. An RTD petition can be filed with the state OR any of the counties where RTD exists.
11. Yes.
12.
 - a. What we are having now, a time-wasting process. “Day” means 24-hour period.
 - b. The election official handling the petition, and proponents.
 - c. Yes.
 - d. Four days means four days. Yes. All deadlines end at the close of a business day.
 - e. NO. The sentence says “after STATE initiatives begin.” That is clear.
 - f. Yes. If a text adds new words, there may be another STATE review. Title setting, to correct typos, delete words.
13.
 - a. Any ballot title should clearly state the subject or purpose. Your question reveals staff does not understand the rule, which applies only to STATE initiatives.
 - b. We know of no written rules for local titles, except fairness, clarity, etc.
 - c. The election official, who should hear those at a public hearing. The election official must have statutory authority for both levels of petitions.
 - d. Yes. Officials with whom the petition is filed. Public notice is to the public.
14.
 - a. If you don’t know, why are you asking the question? See the hundreds of cases over 26 years that annotate verbose judicial wandering on the “subject.”
 - b. Because the rule is not repealed; it “remains in effect.” We only shorten the procedures for a final resolution.
 - c. Why do you repeat the same question three or more times? Our reply is the same.
 - d. Statutory wording “remains in effect” unless repealed as “conflicting laws.”
15. Single subject violation, lack of clarity, false or deceptive wording, length, bias, violation of PRA’s 60 words in plain English mandate, etc.

16. Any adult.
17. Yes.
18. Yes. That's what a deadline means.
19. Yes. They can read a one-page petition in less than a day. If not, they should resign.
20. It must identify and "remove" subjects until only one remains.
21. Yes. Their practice of delaying our constitutional rights must end.
22. No. Challenges must be "timely." An absence of protest means finality.
23. Yes. Most protests are to delay petitions. That tactic will end.
24. Yes, if a protest is filed. It is four days after title setting if no protest is filed.
25. The official delivers it to petition proponents.
26. The 1992 forms are the template; clearly, dates, names, and texts will change. They can't change petition forms to awkward sizes of 2' X 4', or 3" X 4". Common sense.
27. "Adult" means human being over age 18. Yes. Yes. Even state staffers qualify.
28. Content of entry lines are described in (2). Staff wrongly equates it to "signature."
29. The election official, when a petition begins.
30. Yes. That number also determines the state statutory number required (2/3rds).
31. See 30. The first statutory number is 80,000, and may increase 6,000 every 4 years.
32. No.
33. Yes. Yes.
34. All are "likely," but omissions of apt. number, directionals, initials, "road," etc. do not invalidate entries. They are trivia in a hostile "gotcha" game played by the state.
35. Your question does not consider RURAL citizens, who don't live in a municipality. Every one lives in a county. An address may be "Rural Route 4, Box 27," a specific

physical site. P.O. boxes are not a “residence” as no one lives in a post office box. People on a dirt road have a right to petition, too. If the post office recognizes a physical address, that’s sufficient for PRA. A “street” address may be a road, boulevard, avenue, or other descriptive term. Many signs don’t list that description, or N/S/E/W.

36. Yes. The idea one flaw can throw out 19 unidentified entries is obnoxious. Signers have a right to know if their entry counted, and if not, why not. We don’t trust alleged “random samples” that can be pre-selected to kill a petition.

37. NO. The “district” does not verify entries, nor does the COUNTY election official. If handled by a county election office, the role is to “count and report entries.” If the entry says “Disneyland” or “Siberia,” it won’t count. If it has a name and residential address, it will. Petition foes can prove invalidity before the supreme court. They may have two chances to do so. People have a right to petition; we give foes a right to fight a petition (three times, including title) as a matter of legislative generosity. There is no constitutional right to seize on petty technicalities to stop a citizen petition. Government has no constitutional right to fight petitions. It must facilitate that exercise of our rights.

38. Omitting a notary seal, the year it was affixed, a notary expiration, a smudge, blank lines, and other trivia must not affect validity of a registered elector’s entry. That error (by a government official?) may occur weeks after the entry. Government hostility to petitions is shown in trying to kill 100 entries wholesale, not one. It is corrupt.

39. Anyone may file; see last sentence of (1). They are filed with the election official, which must be neutral. Biased officials must recuse themselves.

40. a. The county election official. If biased, the official must be recused or disqualified. Petitioners may withdraw their petition and start over with another election official.
b. An election official of a county which covers the SDMFD.
c. The secretary of state or any county election official.

41. The private party who challenges the signatures; NOT the government.

42. No. “Counting” doesn’t mean verifying; counting is a simple process. You may use your fingers and toes, an abacus, or other process during such a court protest.

43. Two days after the report. The report need not take 10 days.

44. Do you have a dictionary? A foe is an opponent or adversary to the petition; one who tries to deprive citizens of their right to vote on the petition. Oppose a petition. Yes.

45. A protest filed in court claims there are not enough valid entries to make the ballot.

46. No. The only fact at issue is the number of valid entries, not a petition's content. If you disagree with a petition, vote "no." Trial court debate in a petition process drags it out beyond the mandatory time limit. PRA shortens such stalling tactics.

47. Yes; it will. Staff repeats itself, another delay tactic. See answer 19.

48. Yes.

49. A report issues 10 days after filing, and again after a protest is filed.

50. Yes. The presumption applies until overcome in court by foes. See Article V section 1 (6), **the constitutional presumption since 1910**, which our corrupt state government has violated for **25 years**, illegally replacing it with automatic government challenges to all entries. Section 1 (6) was illegally "repealed" by statute in the 1990s. PRA restores it by statute. The court has 10 days from protest filing to report, using the presumption unless it is rebutted by PRIVATE foes as to individual entries. We don't believe the 1910 state constitution is "just a standard" for the court. We believe in the Rule of Law.

51. Offer the current state master list of voters in evidence, testimony of a researcher the signer died or moved 10 years ago, or other rebuttal of the presumption. Find some other way to screw citizens out of their First Amendment right to petition. Hire a lawyer. We won't help you.

52. If, after 51+ questions, you still don't understand "invalidity," revisit your dusty dictionary. The election official reports on the number of facially valid entries. The supreme court reports on the number of valid entries it finds 10 days after a filed protest.

53. Yes.

54. No. 15 equals 15, not 13.

55. Petitions on any topic can be voted on any November. The supreme court wrongly "interpreted" the phrase "ballot issue" in TABOR as meaning "tax increase." It ignored the printed definition of "a non-recall petition or referred measure in an election." Thus, the liberal court said TABOR allowed two tax increase elections in two years, but only one tax decrease or petition on any other topic. They "found" voters wanted more tax increases on the ballot than tax cuts. "Non-recall petition" is any petition not a recall. The court tried to restrain us, the "basket of deplorables," by limiting our control of petitions, so it said odd-year elections could be only to raise taxes. We correct that ruling limiting our right to petition; it wildly misread the Taxpayer's Bill of Rights.

56. The question is nonsense. Petitioners file a petition. There is no protest, court, or cure period until a petition is “first filed.” If petitioners miss the deadline for the upcoming election, they may still file within the time limit for the next election.
57. All state and local petitions are voted on one day per year, in November.
58. We won’t say “subject;” that would confuse staff. See thesaurus for synonyms.
59. See Article X section 20 3 (b) explaining election notices. For petitions only, PRA repeals the 1994 Amendment B that gave STAFF control of state election notices. State petition issues will obey the same rules for election notices local elections do now.
60. See Article X section 20 (3) AGAIN for election notice rules. It remains the law.
61. Election notices have lasted 28 years. Why recycle old (losing) arguments by foes?
62. Petitioners are clearly known. The first foe to register by August 2 gets listed. Staff cannot pick their favorite. Campaign arguments will be made by citizens, no longer by staff bureaucrats.
63. No, but why would they miss the platform?
64. There won’t be a foe website printed on ballots. Staff cannot make up arguments, the way it does now in Blue Books. PRA: “*Government hostility to petitions must cease.*”
65. See answer 61. We have no Ministry of Truth. Respect the voters to detect liars.
66. Yes.
67. False theory. Local petitions are heard once yearly, in November. See ans. 57. Yes.
68. To educate voters on the meaning and effect of a petition—simply to ask for a vote.
69. The “safety clause” abuse is the most corrupt scam in state history. We estimate 35,000 false “emergencies” in 88 years. Their first slip up was issue 113 this November. You ask “What’s the problem? Nothing to see here.” Legislators are chronic liars, depriving citizens of a constitutional right to petition granted in 1910. We object to lies.
70. Yes. Yes, provided the topic was not rejected before by a referendum petition.
71. Legislator would be foolish not to make that bill one of the 10.

72. a. Yes, b. Yes.
73. a. What you just cited in question 72 a. That shows you “get it.”
b. This concerns referendum petitions, which are not initiatives. Single subject rules applies to state initiatives only. The constitution requires all bills to be a single subject. If the legislature violates Article V section 21, we can still reject any part we want, by referendum or initiative petition.
c. No. They would be different topics. Later bills making that same act a crime would be on the same topic.
d. A successful referendum petition is a voter-approved petition, so future legislation on that topic must be by petition, to avoid harassing voters.
74. The terms “petitions” and “districts” used in this petition and laws implementing it.
75. a. Jefferson County Law Enforcement Authority; Pikes Peak Rural Transp. Auth.
b. As it does for any other district.
c. Nonsensical question. All local governments, home rule or not, are governments.
d. To make clear they are included in all districts, and not exempted by Article XX.
e. No. State laws can cover home rule jurisdictions. PRA covers home rule. It is not shared or overlapped power. PRA is a petition and applies to home rule cities, etc. PRA repeals Article V, section 1 (9) grants of municipal petitions; all will be governed by PRA. The first sentence of PRA says “Petition rights shall exist in all districts.” The word “all” includes home rule jurisdictions. PRA has a right to require uniform application. If Pueblo wants to be exempt, that would be a change in a voter-approved state petition statute. It may get enough valid signatures to put that exemption on a state ballot in 2023 or later. The Bill of Rights has Article II section 24; it applies to the state and all political subdivisions. It includes petitions and can be enforced by statute. Home rule districts must obey the equal protection clause of Fourteenth Amendment (see cases); petitions are civil rights. State power to declare statewide public policy is not relinquished. Legislation can be of state, local, or mixed concern. PRA and other civil rights in home rule cities are subject to state law primacy; see annotations to Article XX. Uniform application of law is the clear legislative intent of PRA.
76. a. We can’t petition on administrative matters (e.g. when City Hall mows lawns).
b. Yes, Yes.
c. All adults, not children.
d. It clarifies petitions begin any time, with no black out periods like we have now, (May through November of even-numbered years, and others).
e. Whether a lot is zoned as a store or house is too trivial to put to a vote; property rights should not be the subject of a citywide election. Avoid ballot clutter.

77. We clearly specify the constitutional provisions, and parts of them, that are repealed. We went over this issue many times in last spring's #299, which the supreme court approved in May of 2020. This is the same list we had this spring.

78. Compound question. The [first sentence of (4)(a)] is not repealed...[Section (7.3)] is not repealed....[Section 8] is not repealed. Three items in brackets are NOT repealed. Your question has a typo; you wrote (7), which you meant (7.3). (7) is repealed. (8) is only one sentence! Why ask about "the first sentence of (8)" (which is non-existent)?

79. The general assembly may issue a Blue Book, despite PRA's preference for citizen comments, the same as the existing process for local ballot issues. The state may NOT ignore the process for election notice comment already in Article X section 20 (3).

80. Repetition is sometimes helpful for slow minds. This reinforces the earlier statement in PRA (4): "Election notice comments shall always apply." There is **no** ambiguity. (7.5), which undermines citizen election notices, is repealed as to citizen petitions.

81. Both state enforcement and private enforcement are both authorized and encouraged.

82. Areas, whether government-owned or privately-owned, open to the general public. The entry and exit door of Walmart are open to customers. No one wants free access to your bedroom or office cubicle; there is no group of signers there. The idea is nonsense.

83. Yes, and to a civil fine. PRA doesn't require a criminal case.

84. It plainly warns people in government to stop their war on petitions. That includes bad faith questions by staff at R&C hearings, asking over 100 questions (plus dozens of sub-questions) for 11 ½ pages on a half-page text the staff has reviewed in writings and taped interviews many times over past years. The revised PRA text (deleting the last sentence, which was 14 words) is 519 words; that does not justify thousands of words of questions, many repeated from mandatory prior hearings. The single subject rule was raised over many years, and raised serially, to stop a petition one phrase or word at a time. The state has imposed a blackout on starting a petition, a First Amendment activity. That should be a crime, but isn't. Your collective behavior is a disgrace. Its only positive act is that it motivates us to keep trying unless we clean up your "system" and put you out of work. We could write pages in answer to your silly questions, but want to go to lunch. The text of PRA details much of your misconduct. The "emergency" scam is the worst, but as you squander billions, a mere 35,000 lies over 88 years seems small to you.

85. a. Yes.

b. Yes. Section 4 applies only to PRA, not other cases. Someone should tell courts of that invention, the telephone, or newer inventions, like computers and email. PRA

also applies to title board hearings that discriminate against out-state citizens. It applies to these “hearings,” when you have written answers that are part of the record. Staff can now change its mind about personal appearance, based on later rumor about a germ.

c. Yes. Courts allow lawyers to use email; must petitioners pay \$300+ hourly to be treated equally? See Fourteenth Amendment. Why require Durango citizens to pay \$25+ to get pleadings filed overnight, when Denver runners can walk 9 blocks and hand it in?

86. NO. A bill is not an initiative. A petition to change any petition (past, present, future) is required. That is clear.

87. See the C.R.S. and state and local petition laws and rules. That is a silly demand.

88. Ever heard of the general assembly? They pay your salary. They also hire dozens of lawyers in Legislative Legal Services, and hundreds in the Attorney General’s Office. If you have too many laws to review, that’s a reason to sign the half-page PRA petition.

89. a. This is Section 4. Enforcement of the Petition Rights Amendment. It refers to enforcing PRA, not traffic laws.

b. Anywhere law suits occur. Standing is an excuse for lazy judges to avoid work.

c. Does “Anyone” mean anyone?

90. We deleted that sentence. It will not be in the version filed for the title board.

91. Ditto.

TECHNICAL COMMENTS

We do not request reading your technical comments. We want PRA to be understandable to common people so they can sign the petition and vote for it. We want no “legalese,” which is why we require ballot titles in “plain English.” This petition comes from the people, not the politicians. Legal “experts” have screwed up the law (do you file your own federal taxes?) We want the right to petition to be understood by every citizen. The right to petition is mentioned repeatedly in the Declaration of Independence that is our heritage. We don’t want the Petition Rights Amendment to look like a prank by lawyers. If you do, we will sue!

P. S. Staff wrote on page 12 “*Italics* is not used....” That is bad grammar. Nice try.