

COLORADO SUPREME COURT 2 East 14th Avenue Denver, Colorado 80203	DATE FILED: May 14, 2015 9:01 PM
Original Proceeding Pursuant to Colo. Rev. Stat. § 1-40-107(2) Appeal from the Title Board	
In the Matter of the Title, Ballot Title, and Submission Clause for Proposed Initiative 2015-2016 #24 Petitioner: Dan Chapin, v. Title Board: Suzanne Staiert, Jason Gelender, and Frederick Yarger.	<div style="text-align: center;"> ▲ COURT USE ONLY ▲ </div> Case No.: 2015SA122
CYNTHIA H. COFFMAN, Colorado Attorney General LEEANN MORRILL, First Assistant Attorney General* 1300 Broadway, 6th Floor Denver, Colorado 80203 Phone: (720) 508-6159 Fax: (720) 508-6041 Email: leeann.morrill@state.co.us Registration Number: 38742 *Counsel of Record	
OPENING BRIEF OF TITLE BOARD	

CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with all requirements of C.A.R. 28 and C.A.R. 32, including all formatting requirements set forth in those rules.

Specifically, the undersigned certifies that:

1. The brief complies with C.A.R. 28(g) because it contains 1,627 words.
2. The brief complies with C.A.R. 28(k) because, for the party raising the issue, it contains under a separate heading: (1) a concise statement of the applicable standard of appellate review with citation to authority; and (2) a citation to the precise location in the record (R.__, p.__), not to an entire document, where the issue was raised and ruled on.

I acknowledge that the brief may be stricken if it fails to comply with any of the requirements of C.A.R. 28 and C.A.R. 32.

s/ LeeAnn Morrill
Attorney for the Title Board

TABLE OF CONTENTS

	PAGE
STATEMENT OF THE ISSUES.....	1
STATEMENT OF THE CASE.....	1
STATEMENT OF FACTS.....	2
SUMMARY OF THE ARGUMENT.....	5
ARGUMENT.....	5
I. THE MEASURE CONTAINS MULTIPLE SUBJECTS.....	5
A. The single subject rule.....	6
B. Standard of single subject review by this Court.....	7
C. Application of the single subject rule to #24.....	9
CONCLUSION.....	10

TABLE OF AUTHORITIES

	PAGE
CASES	
<i>In re Ballot Title 1999-2000 #25</i> , 974 P.2d 458 (Colo. 1999).....	7
<i>In re Title, Ballot Title & Submission Clause, & Summary for 1999-2000 #219</i> , 999 P.2d 819 (Colo. 2000).....	8
<i>In re Title, Ballot Title and Submission Clause for 2001-02 #21 and #22</i> , 44 P.3d 213 (2002).....	7-8
<i>In re Title, Ballot Title and Submission Clause for Proposed Initiative 2001-02 #43</i> , 46 P.3d 438 (Colo. 2002).....	7-8
<i>In re Title, Ballot Title and Submission Clause for 2005-06 #55</i> , 138 P.3d 273 (Colo. 2006).....	7-9
<i>In re Title, Ballot Title and Submission Clause for 2007-08 #17</i> , 172 P.3d 871 (Colo. 2007).....	8
STATUTES	
§ 1-40-106.5(1)(e)(I), C.R.S. (2013).....	6
§ 1-40-106.5(1)(e)(II), C.R.S. (2013).....	6, 10

Title Board members Suzanne Staiert, Jason Gelender , and Frederick Yarger (hereinafter “the Board”), by and through undersigned counsel, hereby submit the Opening Brief of Title Board.

STATEMENT OF THE ISSUES

Whether the Board properly refused to set a title because the proposed initiative had more than one subject?

STATEMENT OF THE CASE

Dan Chapin (hereinafter “Proponents”), seeks to circulate Proposed Initiative 2015-2016 #24 (“#24”), to obtain the requisite number of signatures to place a measure on the ballot to enact Article XXX of the Colorado Constitution, which creates the “Colorado Elector Bill of Rights.” Proponent submitted a final draft of #24 to the Board on April 3, 2015. *Exhibit A*.

The Board conducted an initial public hearing on April 15, 2015, at which it declined to set a title because it found that #24 violated the single subject rule. *Exhibit B*. Proponent timely filed a motion for

rehearing on April 22, 2015. *Exhibit C.* A rehearing was held on April 23, 2015, at which the Board again declined to set a title because it found that #24 violated the single subject rule. *Exhibit B.* Proponent timey filed a petition for review with this Court on April 29, 2015.

STATEMENT OF FACTS

Measure #24 would create Article XXX of the Colorado Constitution, which would be a “Colorado Elector Bill of Rights.” *Exhibit A.* As explained by “**Section 1. Purpose and Findings,**” the purpose of enacting Article XXX is “to ensure all possible legal electors are treated as fairly and have as equal voice in all issues or contests concerning elections as possible. This shall include but not be limited to: right to vote, equal voice or opportunity for public comment, ability to compete for public office, freedom from undue influence, freedom from outside influence or interference, freedom from propaganda, and freedom from undue hardship in exercising their right to vote.” *Exhibit A*, at 1. The measure purports to accomplish this purpose by imposing various taxes and oversight fees on all contributions, loans, or income

received by issue committees, Colorado political action committees, or campaign committees (collectively, “committees”) deemed “not in the interest” of the Colorado electorate due to failure to comply with all of the Article XXX requirements for such committees. *Exhibit A*.

The measure also purports to accomplish this purpose by imposing sweeping reforms on the following aspects of elections: (1) communication by, contribution and spending limitations on, and reporting requirements for committees; (2) requiring all candidates and committees to be available for and participate in open public debate that complies with certain format and timing specifications; (3) requiring proponents of ballot initiatives to participate in open public debates; (4) requiring opponents of a ballot initiative to register with the Colorado Secretary of State and circulate petitions to gather a certain number of signatures to indicate the existence of sufficient public support for the opposition of that ballot initiative; (5) voter registration requirements, as well as the processes for challenging voter registration and maintaining Colorado’s voter registration list; (6)

limitations on the General Assembly’s ability to enact legislation that affects the conduct of elections; (7) authorizing electors to petition the General Assembly to enact laws changing the conduct of elections; (8) contribution and spending limitations for political parties and political party committees; (9) establishing penalties for political parties and political party committees that are deemed “not in the interest” of the Colorado electorate due to failure to comply with all of the Article XXX requirements for such entities; (10) imposing fines on any committee deemed “not in the interest” that fails to pay taxes required by Article XXX, as well as personal liability for such fines on the principals of such committees; (11) imposing fines and imprisonment on “any individual, group, organization, or committee that fraudulently portrays themselves as supporting a candidate or other committee to interfere with their standing of In the Interest[;]” (12) imposing fines on “any government official, elected representative, or government employee that fraudulently misrepresents [Article XXX] or public information required by” same; and (13) requiring the creation of “a reliable source

for checking the truthfulness and accuracy of statements made in Colorado elections and campaigns” known as the “Colorado Public Fact Check.” *Exhibit A*.

SUMMARY OF THE ARGUMENT

As proposed, #24 contained more than one subject. Indeed, as explained above in the Statement of Facts, #24 contained at least fourteen separate subjects. As such, the Board properly refused to set a title for the measure because #24 violated the single subject rule.

ARGUMENT

I. THE MEASURE CONTAINS MULTIPLE SUBJECTS.

Proponent contends that the Board erred by not setting a title because #24 contains only one subject. For the following reasons, the Court should reject this contention.

A. The single subject rule.

The Board must abide by the single subject rule when considering proposed initiatives. Indeed, Colo. Const., art. V, § 1(5.5), states:

No measure shall be proposed by petition containing more than one subject, which shall be clearly expressed in the title; but if any subject shall be embraced in any measure which shall not be expressed in the title, such measure shall be void only as to so much thereof as shall not be so expressed. *If a measure contains more than one subject, such that a ballot title cannot be fixed that clearly expresses a single subject, no title shall be set and the measure shall not be submitted to the people for adoption or rejection at the polls.*

(emphasis added). Colorado law further prevents the Board from setting a title for a measure that contains “incongruous subjects... having no necessary or proper connection, for the purpose of enlisting in support of the measure the advocates of each measure, and thus securing the enactment of measures that could not be carried upon their merits.” § 1-40-106.5(1)(e)(I), C.R.S. (2014). Likewise, the Board cannot set a measure that would cause surprise and fraud to be practiced upon the voters. § 1-40-106.5(1)(e)(II), C.R.S. (2014).

A proposed measure violates the single subject rule if “it relates to more than one subject, and has at least two distinct and separate purposes that are not dependent upon or connected with each other.” *In re Title, Ballot Title and Submission Clause for 2005-06 #55*, 138 P.3d 273, 277 (Colo. 2006) (“#55”); *In re Title, Ballot Title and Submission Clause for Proposed Initiatives 2001-02 #21 and #22*, 44 P.3d 213, 215 (Colo. 2002) (“#21”). In contrast, a proposed measure that “tends to effect or to carry out one general objective or purpose presents only one subject.” *In re Ballot Title 1999-2000 #25*, 974 P.2d 458, 463 (Colo. 1999). The single subject rule serves to prevent both the joinder of multiple subjects to secure the support of various factions, and voter fraud and surprise. *In re Title, Ballot Title and Submission Clause for Proposed Initiative 2001-02 #43*, 46 P.3d 438, 442 (Colo. 2002) (“#43”).

B. Standard of single subject review by this Court.

Whether a proposed initiative contains a single subject is a question of law that must be determined by the Board before it

exercises jurisdiction to set a title. In this case, the Board denied the title setting request because #24 did not constitute a single subject.

Exhibit B. As such, the Board's decision is subject to *de novo* review by this Court. See *In re Title, Ballot Title & Submission Clause, & Summary for 1999-2000* #219, 999 P.2d 819, 820-22 (Colo. 2000).

In determining whether the single subject requirement has been satisfied, the Court will not address the merits of a proposed initiative, interpret it, or construe its future legal effects. #21, 44 P.3d at 215-16; #43, 46 P.3d at 443. However, the Court may engage in a limited inquiry into the meaning of terms within a proposed measure if necessary to review an allegation that the measure violates the single subject rule. #55, 138 P.3d at 278. To do so, the Court will “examine sufficiently the initiative’s central theme to determine whether it contains a hidden purpose under a broad theme.” *In re Title, Ballot Title and Submission Clause for 2007-08* #17, 172 P.3d 871, 875 (Colo. 2007). Through its exam, the Court will “determine unstated purposes and their relationship to the central theme of the initiative.” #55, 138

P.3d at 278. If the unstated theme is consistent with the general purpose, the single subject requirement will be met. *Id.*

C. Application of the single subject rule to #24.

The Board correctly refused to set a title because the measure, on its face, had multiple subjects. The first is to impose taxes, fees, and penalties on candidates and committees that fail to comply with all of the requirements and limitations established by Article XXX. The other subjects span far beyond the scope of the first to encompass a multitude of other election-related issues, including but not limited to voter registration, activities by opponents of ballot initiatives, and limiting the ability of the General Assembly to enact laws that affect the conduct of elections.

The additional subjects of #24 have a “distinct and separate purpose[]” from the first subject – regulating activities by candidates and certain committees – and the multiple subjects are “not dependent upon or connected with each other.” #55, 138 P.3d at 277. Rather, they

are wholly unrelated and independent subjects that require separate voter approval. Indeed, the inclusion of so many subjects in the measure very likely would have caused surprise to the voters if the Board had set a title for #24 – a result that must be avoided. § 1-40-106.5(1)(e)(II), C.R.S. (2014).

As a result of these legal defects, the Board properly declined to set a title for #24.

CONCLUSION

For the above-stated reasons, the Court should affirm the Board's determination that #24 violated the single subject rule.

DATED: May 14, 2015.

CYNTHIA H. COFFMAN
Attorney General

s/ LeeAnn Morrill
LEEANN MORRILL, 38742*
First Assistant Attorney General
Public Officials Unit
State Services Section
Attorneys for the Title Board
*Counsel of Record

CERTIFICATE OF SERVICE

This is to certify that on May 14, 2015, I electronically filed a true and correct copy of the foregoing **OPENING BRIEF OF TITLE BOARD** with the Clerk of the Court via the ICCES e-filing system, and arranged for service via FedEx Express Mail (with a courtesy copy via email) upon each of the following individuals:

Dan Chapin
12422 E. Amherst Circle
Aurora, Colorado 80014
drdenv@hotmail.com
Petitioner

s/LeeAnn Morrill

2015-2016 #24 - Final

Be it enacted by the People of the State of Colorado:

The Constitution of the State of Colorado is Amended BY THE ADDITION OF A NEW ARTICLE:

Article XXX
Colorado Elector Bill of Rights

RECEIVED May 14, 2015 9:01 PM
2:07 P.M.
APR 03 2015 S.WARD

Section 1. Purpose and Findings.

Colorado Secretary of State

The people of the State of Colorado hereby find and declare that all issues or contests contained within any election in the State of Colorado that concern the governance or representation of Coloradans shall be presented, financed, and determined solely by the human individuals who comprise or can qualify as the legal electorate in the State of Colorado. To this end all such issues or contests must be deemed in the public interest of Colorado and Coloradans in order to receive special consideration or public support. Furthermore, the State of Colorado and all its officials and elected representatives at any level shall strive to ensure all possible legal electors are treated as fairly and have as equal voice in all issues or contests concerning elections as possible. This shall include but not be limited to: right to vote, equal voice or opportunity for public comment, ability to compete for public office, freedom from undue influence, freedom from outside influence or interference, freedom from propaganda, and freedom from undue hardship in exercising their right to vote. All citizens should be treated as equally as possible in elections and have as equal opportunity as possible to participate in government and governing.

To this end it has been traditional in the United States and in the State of Colorado to authorize taxes to encourage or discourage behavior that is or is not in the interest of the citizens or to advance the general improvement, condition, fairness, or functioning of those societies. This article is intended to institute taxes or tax benefits, for the purpose of encouraging behavior that will benefit the Colorado elector and to ensure that no individual, group, or organization unduly benefits or enjoys an advantage in elections, representation, or governance over the average elector in regards to the election process in Colorado. In addition through taxation it will ensure that no individual shall derive great benefit from funds provided by the public and intended to support a fair electoral process.

Section 2. Definitions. As used in this article, unless the context otherwise requires:

“Campaign Committee” means any individual, group, or organization which is involved in or promoting the election of an individual to an office or representative position which is directly answerable to the citizens of Colorado or whose election is determined by the citizens of Colorado. This shall include any Colorado candidate appearing on any ballot in Colorado.

“Colorado Political Action Committee” means any individual, group, or organization which spends the lesser on an annual basis of, 10% of their income, assets, or resources; or 1,000 times the prevailing minimum wage, on promoting or opposing any initiative, candidate, or political position in Colorado.

“Committee or Committees” means for this article to refer to all of the committee types referenced in this article, either individually or all together including campaign committee, Colorado political action committee, issue committee, and transfer committee.

“Contests” means any item placed upon any ballot within Colorado which requires a vote of the electors to determine.

“Contributions” means any money, assets, or in kind offers of labor, material, or other items of value.



Any donation of value shall be considered a contribution. The work of volunteer electors is not considered a contribution.

"Current Election Cycle" means a period of time that runs from the first day after the last even year election to election day of the next even year election.

"Current Election Cycle Funds" means all contributions, loans, income received, and other spendable amounts or assets that have been received starting from the first date of the current election cycle up to and including the current date or a designated determination date.

"Electorate" means the body of Coloradans comprised of legal electors.

"Elector" means a human individual who qualifies under State of Colorado Statutes as able to legally vote in the State of Colorado.

"Individual" means a natural person.

"In the Interest" means the same as In the Interest of Colorado and Coloradans.

"In the Interest of Colorado and Coloradans" means a candidate or committee that complies with the requirements of this article, showing their intent to provide a fair and open interaction with the electorate that allows every elector to be able to participate in the election process, representation, and governance of Colorado on as equal a basis as possible. These candidates or committees shall continue to benefit from a tax exempt status related to this article and any other benefits contained within this article.

"Issue Committee" means any individual, group, or organization which is involved in promoting or opposing any ballot initiative that appears on any ballot in the State of Colorado.

"Issue" means any item placed upon any ballot within Colorado which gives the electors two or more choices upon which a determination will be held that effects the governance or representation of the citizens of Colorado.

"Mass Media Advertising" means any form of advertising or presenting an individual or issue for the purpose of promoting or opposing the election of that individual or issue that uses any part of the public commons and is targeted at large audiences. This would include but is not limited to radio, television, robocalls or automated calls on a phone, mailings, handbills or hand delivered messages, emails, and the Internet and social media. This does not include anything distributed that lists candidates or the text of issues that are intended primarily to inform the electors without promoting a position or making any claims or statements on one side or the other of an issue or candidate. It does not include individual contacts made by a candidate or any individual on behalf of that candidate or any face to face contacts. Nor does it include individual contact from those supporting or opposing issues or items on any Colorado ballot. It does not include any meetings or contacts in a private residence or any personal appearances by a candidate. It does not include any items, documents, or web pages on the Internet or social media where individuals, groups, or organizations have subscribed, requested, joined, or agreed to be contacted. Nor does it include any information, sites, or web pages on the Internet that are not pushed indiscriminately out to electors or where the elector generates the contact. An individual can only be considered to have requested, joined, or agreed to be contacted if they have specifically opted in for that contact. No site, web page, or way of distributing information on the Internet that requires or uses an opt out method for establishing or allowing contact shall be excluded and shall be considered a form of mass

media advertising.

"Not in the Interest" means the same as Not in the Interest of Colorado and Coloradans.

"Not in the Interest of Colorado and Coloradans" means a candidate or committee that does not comply with the requirements of this article, showing their intent to not strive for a fair and open interaction with the electorate that allows every elector to be able to participate in the election process, representation, and governance of Colorado on as equal a basis as possible. These candidates or committees shall be subjected and required to pay all taxes related to this article and be subjected to any other penalties contained within this article.

"Secretary of State" means the Office of the Colorado Secretary of State or the Colorado Secretary of State Office.

"Transfer Committee" means any committee which is formed to transfer funds or anything of value to another candidate or committee or whose primary purpose is to transfer funds or anything of value to other candidates or committees. Any non-transfer committee that transfers funds to any other committee shall be re-designated as a transfer Committee.

Section 3. Taxes - Fees and Costs.

- (1) All issue committees, Colorado political action committees, or campaign committees, except for those that fall under subsection (2) shall be taxed at the following rates or brackets on all contributions, loans, or income received or used by those committees; up to 200 times the prevailing minimum wage a 0% rate, from 200 up to 2,000 times the prevailing minimum wage a 45% rate, from 2,000 up to 10,000 times the prevailing minimum wage a 55% rate, from 10,000 up to 50,000 times the prevailing minimum wage a 65% rate, from 50,000 up to 100,000 times the prevailing minimum wage a 75% rate, from 100,000 and up times the prevailing minimum wage a 85% rate.
- (2) Any issue committees, Colorado political action committees, or campaign committees that are deemed in the Interest of Colorado and Coloradans shall be tax exempt and are not required to pay taxes at the rates established in subsection (1).
- (3) All issue committees, Colorado political action committees, or campaign committees are required to pay an oversight fee on all contributions, loans, or income received or used by those committees at the following rate; up to 200 times the prevailing minimum wage a 0% fee, from 200 up to 5,000 times the prevailing minimum wage a .5% fee, from 5,000 up to 20,000 times the prevailing minimum wage a 1% fee, from 20,000 up to 50,000 times the prevailing minimum wage a 1.5% fee, from 50,000 up to 100,000 times the prevailing minimum wage a 2% fee, from 100,000 up to 500,000 times the prevailing minimum wage a 2.5% fee, anything over 500,000 times the prevailing minimum wage a 3% fee.
- (4) Any funds transferred from a candidate to another candidate or to the candidate themselves are subject to the same taxing requirements with taxes due at the time of transfer and they shall be taxed regardless of if they had been previously taxed or not. All funds transferred shall be subject to a 3% oversight fee. In addition any funds transferred to a candidate themselves are subject to an additional 20% tax. The total of taxes and fees shall not be greater than 100%. A transfer to a candidate themselves does not depend on whether the candidate or committee was deemed In the Interest or Not In the Interest, but shall be taxed in all situations or instances.

- (5) Any funds in possession of any candidate or committee prior to the enactment of this article may be transferred to the same candidate or committee and shall be deemed In the Interest provided they are transferred under the following conditions:
 - (a) It shall be a one time transfer.
 - (b) It shall be done within 90 days of the enactment of this article.
 - (c) All contributions, funds, loans, or monies in the possession of the candidate or committee to be transferred shall be taxed at the rate as determined by Section 3(1) of this article.
 - (d) All contributions, funds, loans, or monies in the possession of the candidate or committee to be transferred shall be charged an oversight fee of 3%.
 - (e) Any portion, up to 100%, of funds in the possession of a candidate or committee may be transferred tax free and oversight fee free to either the Colorado general fund or to the fund of any Colorado school district prior to a transfer to the candidate or committee.
 - (f) If a candidate or committee can show that 100% of the funds to be transferred came from individual electors, were received not more than 180 days prior to the enactment of this article, and comply with the contribution limits of Section 6 then they shall be transferred tax free and oversight free.

Section 4. In the Interest of Colorado and Coloradans Determination.

- (1) In order for any committee to be In the Interest of Colorado and Coloradans they must fulfill and comply with the following conditions and requirements:
 - (a) All contributions, loans, or income received or used by these committees must come from an individual who can qualify to be a legally recognized elector for the State of Colorado.
 - (b) All reporting and spending requirements, as outlined in this article, are fulfilled.
 - (c) All contributions, loans, or income received or used by these committees fall within the limitations and requirements of contributions as determined in this article.
 - (d) All requirements for openness, accountability, and accessibility are fulfilled as determined by this article.
 - (e) The committee shall spend 90% or more of the funds and contributions received on the stated purpose of the committee. No individual, group, or organization shall be highly compensated or monetarily enriched simply for forming a committee.
 - (f) Candidates and committees shall communicate with the electorate in a substantially truthful manner in all facets of their campaigns or efforts to promote or oppose any issue.
 - i. Electors shall have the expectation that information coming from candidates and committees will factually and truthfully inform them of positions or issues. Candidates and committees shall operate and present themselves in a substantially truthful manner.
 - ii. No individual or group shall mislead, deceive, or present unproven facts, numbers, outcomes, or positions as truthful.
 - iii. No candidate or committee shall profess to know what an opposing candidate or committee thinks, feels, or believes. Nor shall they propose to know the beliefs of an individual or group, how an individual or group will act, or what an individual intends to do, without a documented action or statement from a reliable source attesting to or reporting on the intent, beliefs, or actions of that individual or group.
 - iv. Something can be considered substantially true if 80% of recognized experts on

an issue agree and it is documented from a reliable and proven source.

- v. Truthfulness may be determined by asking a candidate or committee what they think, feel, or believe. Any statements in answer by a candidate or committee shall be accepted as the truth unless it can be shown there is evidence to the contrary from a documented reliable and proven source.
 - vi. The legislature shall have the ability and right to further define what actions by candidates or committees can be considered as acting in a truthful or untruthful manner.
- (2) Any committee that complies with all the requirements and conditions outlined in this Section and referenced in other Sections of this article shall be deemed In the Interest and be tax exempt for the purpose of taxes defined or required by this article.
 - (3) Any committee not fulfilling the requirements and conditions outlined in this Section and referenced in other Sections of this article shall be deemed Not In the Interest and be subject to all taxes defined or required by this article.

Section 5. Reporting and Spending Requirements.

- (1) All committees shall register with the Secretary of State, if they are not already, before they can receive contributions or continue to receive contributions. The committee shall designate what category of committee they intend to be classified as and shall declare if they intend to be In the Interest or Not in the Interest. The Secretary of State shall not charge any fee for a committee to register unless a committee is registering Not in the Interest or is deemed Not in the Interest within 45 days of registering. In that case the Secretary of State may charge a fee, not to be greater than 100 times the prevailing minimum wage, provided the Secretary of State applies that fee fairly and equally to all committees deemed Not in the Interest that are similar.
- (2) All committees shall operate such that their efforts substantially and primarily operate within the definition of the category of committee that they have designated for themselves.
- (3) All contributions, loans, or income greater than or equal to 1(one) times the prevailing minimum wage shall be reported to the Secretary of State within 15 days of being received by any of the candidates or committees covered in this article. Any contributions, loans, or income below this level need not be reported unless the total amount of those contributions, loans, or income is equal to or greater than 20% of the total contributions, loans, or income of that committee.
- (4) Contributions must be posted on a publicly accessible web site.
- (5) Funds cannot be spent until publicly posted for 48 hours
- (6) Contributions may be reported by hard copy mailed to the Secretary of State, by email sent to the Secretary of State, or by any other means of electronic access chosen or supported by the Secretary of State. The preferred method shall be by electronic means and should be encouraged by the Secretary of State.
- (7) The Secretary of State office shall post all contribution information within 48 hours after receiving an electronic transmission or physical reporting of such information. The Secretary of State office shall determine the form of any email submissions or electronic transmissions of contribution data. The Secretary of State office shall post at a minimum, for each elector who has made any reported contribution, the elector name, address, total contributions to date for each individual committee, contributions for each committee category, and total contributions for all committees combined.
- (8) Contribution data shall include at a minimum all contributor information required by the

federal elections contribution tracking system. The Secretary of State may require any additional contributor information as it feels necessary provided it does not place a special or onerous burden on any definable group, elector, or individual over others.

- (9) All Funds or monies reported shall not be spent until all taxes or potential taxes and all oversight fees or potential oversight fees for those newly reported contributions have either been transferred to the Secretary of State or transferred to an account specifically established for holding those taxes and oversight fees. Once transferred to that specific account no funds shall be transferred back to the candidate or committee without the written approval of the Secretary of State.
- (10) A committee not complying with these reporting and spending requirements, outside of reasonable curable error, shall be deemed Not in the Interest and subject to all taxing requirements.

Section 6. Contribution Limits.

- (1) All individuals who can be a qualified Colorado elector may contribute, loan, or monetarily support any of the committees covered by this article in compliance with this section or any issue not covered by this section only in a manner which makes a best attempt to ensure all qualified electors are treated as equally as possible and have the ability to participate at an equal level without any undue hardship or serious effect on their budget or lifestyle.
- (2) Limit for all individuals shall be of the equivalent of 30 times the prevailing minimum wage to any single category of committees, except for transfer committees which shall be limited to 25 times the prevailing minimum wage. The total of contributions to all category of committees shall not exceed 70 times the prevailing minimum wage. There are four categories of committees, issue committees, Colorado political action committees, transfer committees, and campaign committees.
- (3) No elector that has exceeded the limits of this Section, which would cause an accepting party to be deemed Not in the Interest, shall knowingly make a contribution, loan, or monetary support to a candidate or committee without notifying them of the elector status which could cause them to be deemed Not in the Interest. If the candidate or committee was not notified by the elector, they may file a complaint with the Secretary of State. If the Secretary of State finds the elector did such to harass, damage, or cause undue duress to the candidate or committee then the elector shall be fined an amount not less than 10 times the prevailing minimum wage nor more than 1000 times the prevailing minimum wage for each instance.
- (4) Any elector who has exceeded the limits or violated any subsection of this Section 6 will cause any candidate or committee that accepts a contribution, loan, or other monetary support after the date they have exceeded those limits to be deemed Not in the Interest and they shall remain such until they have cured the deficiency.
- (5) The candidate or committee to cure a deficiency in accepting a contribution that would cause them to be deemed Not in the Interest shall return the elector or electors contributions which caused the deficiency to the Secretary of State. The candidate or committee may keep up to 2 times the prevailing minimum wage as a service fee.
- (6) An elector who has had their contribution returned to the Secretary of State may request their contribution return with a written request to the Secretary of State. The Secretary of State shall charge the elector 50% of the total contribution as a penalty.
- (7) Any committee that is established to transfer funds or contributions primarily to other candidates or committees shall be designated as a transfer committee and in order to be

deemed In the Interest shall comply with and be subjected to the following conditions:

- (a) They may not receive any contributions from another transfer committee.
 - (b) They may not transfer funds or contribute to any other transfer committee.
 - (c) They shall pay an additional 10% tax on top of the rate determined by this article if they are deemed Not in the Interest.
 - (d) They shall pay a 3% oversight fee on all contributions.
- (8) No candidate or committee shall accept contributions, from all transfer committees combined, that is greater than 10% of total contributions, not including any contributions from transfer committees, to that candidate or committee.
- (9) A committee not complying with these contribution limit requirements, outside of reasonable curable error, shall be deemed Not in the Interest and subject to all taxing requirements.

Section 7. Openness - Accountability - Accessibility Requirements.

- (1) Open public debate shall be the favored method of informing the electorate in Colorado. Every reasonable effort should be made by any government body, government organization, or political organization in the State of Colorado to promote, assist, and encourage open public debate above all forms of advertising or mass media communications from a single candidate or committee.
- (2) All candidates or issues committees shall make themselves available for open public debates.
- (3) Because of the possibility that mass media advertising can introduce confusion, propaganda, undue rhetoric, or debatable facts and figures into an election, all candidates and committees shall only be able to use mass media advertising for a maximum of 4 days after an open public debate in which they have participated.
- (a) Any candidate or issue committees, Colorado political action committees, or campaign committees that participates in or conducts mass media advertising more than 4 days from their last open public debate shall be deemed Not in the Interest of Colorado or Coloradans.
 - (b) Any candidate or issue committees, Colorado political action committees, or campaign committees that through error, miscommunication, or accident employs mass media communications more than 4 days past their last open public debate, may be deemed In the Interest of Colorado and Coloradans by halting all mass media advertising for 6 days provided they do not employ mass media advertising more than 1 day past the allowable 4 days. This shall only apply to the first such incident.
 - (c) On a second incident of mass media communications more than 4 days past their last open public debate, The Secretary of State shall determine if an error, miscommunication, or accident occurred and shall render a judgement within 48 hours of receiving a written request for determination and relief. Upon judgement in their favor they shall be deemed In the Interest of Colorado and Coloradans by halting all mass media advertising for 7 days provided they did not employ mass media advertising more than 1 day past the allowable 4 days. They are not eligible for mass media advertising until their first open public debate after the 7 days of halting mass media advertising.
 - (d) On the third occurrence of a claim of error, miscommunication, or accident the candidate or issue committees, Colorado political action committees, or campaign committees shall not be eligible to be deemed In the Interest of Colorado and

Coloradans.

- (4) Every candidate or issue committee, Colorado political action committee, or campaign committee shall have a fair opportunity to respond to any statement, accusation, or claim made during an election cycle up to election day. There shall be a grace period for the electors to evaluate each candidate or issue without the potential to introduce false rhetoric, deception, propaganda, or unsubstantiated statements and claims without the opportunity to respond.
 - (a) All mass media advertising shall cease 5 days prior to election day, Open public debates may continue up to 2 days prior to election day.
- (5) A committee not complying with these openness and accountability requirements, outside of reasonable curable error, shall be deemed Not in the Interest and subject to all taxing requirements.

Section 8. Open Public Debates.

- (1) All open public debates shall make a best effort to attempt to treat all participants as equally and fairly as possible and shall be organized such that they shall attempt to inform and educate the electorate in the most truthful and open way as possible.
- (2) Debate requirements shall be enforced in a window from 45 days prior to a primary election to the day of the primary election, and in a window from 115 days prior to a general election to the day of the general election. The Secretary of State may adjust these windows if the election calendar has changed that would make any of these dates unreasonable, but only if the windows are kept as close to these original windows as possible. These windows shall not be reduced by more than 10% in any case.
- (3) Outside of the primary election window and the general election window, the debate requirements may be fulfilled by an Open Town Hall Meeting.
- (4) Debates will be held separately by office, position, or issue as it appears on a primary election ballot or a general election ballot.
- (5) Any candidate or committee running without opposition that wishes to use mass media advertising shall fulfill debate requirements by holding Open Public Meetings.
- (6) Primary Open Public Debates shall conform to the following conditions:
 - (a) All candidates that are recognized to participate in any primary election by the Secretary of State shall be included in the debates.
 - (b) Any challenger to an incumbent candidate shall have first opportunity to schedule a debate. If there is more than one challenger then position shall be determined by coin flip or any other method agreed upon by all participants. The winner of the determination process shall be designated position one and all other candidates shall be assigned successive positions until all challengers have been assigned a position. Once the position of the challengers have been determined then the incumbent candidate shall be placed at the end of the positions.
 - (c) Control of the debates shall start with the first position and rotate through all positions at which point they shall start the process again with the first position. The candidate in control of any particular debate shall be known as the Control Candidate.
 - (d) The candidate in the first position shall determine and schedule the first debate on a date not more than 45 days prior nor less than 43 days prior to the primary election. They are the Control Candidate for that specific debate.
 - (e) The candidate in the next position shall have control of scheduling the next debate and shall designate a day for debate not less than the third day following the prior debate nor more than the seventh day following the prior debate. Any debate set 6 or more

days following the prior debate shall be scheduled sooner if all other candidates unanimously request a sooner debate. The debate shall then be set for either the fourth or fifth day following the prior debate by the control candidate. The process shall continue until there are a minimum of 3 future debates scheduled.

- (f) The debate schedule shall maintain a minimum of 3 future debates until the number becomes unfeasible due to the nearness of the primary election. The Secretary of State shall maintain and post on a publicly accessible website the schedule and all necessary information for all debates and future debates. The control candidate is responsible for notifying the Secretary of State of the date of a future debate which they control. No debate is official until it is reported to the Secretary of State, a date is considered scheduled when it has been reported to the Secretary of State.
 - (g) The last scheduled debate shall be 2 day prior to the primary election. If the last scheduled debate with the Secretary of State is 3 days or more prior to the primary election then the candidate in the position to schedule the next debate may schedule the last debate for the second day prior to the election. If they decline, the candidate in the next position shall have the opportunity to schedule a debate. This shall continue until either a candidate schedules a debate or all candidates have had an opportunity to schedule a debate, if all decline then there will be no debate on the second day prior to the primary election.
 - (h) No debate shall be scheduled less that 2 days from the current date nor more that 28 days from the current date.
 - (i) After a debate has been completed if the schedule of future debates is less than 3 then the candidate who is the control candidate for the next debate to be scheduled shall have 7 days or 3 days after the next debate to schedule a debate, whichever is less. If they fail to schedule a debate in this time frame then they shall lose their control position for the next debate to be scheduled and it shall fall to the next position who shall schedule a debate within 24 hours or control of the next debate to be scheduled shall fall to the first candidate to schedule a debate with the Secretary of State. After a debate has been scheduled the control shall return to the position directly after the position which lost control and continue on in the same order as before. The candidate who lost control shall not have the opportunity to schedule another debate until their position comes up again.
 - (j) All candidates are expected to work together to schedule debates and candidates must not work to intentionally place another candidate at a disadvantage.
 - (k) If a scheduled debate cannot be completed due to unforeseen circumstances or reasonable and legitimate safety concerns for the public or the candidates, then upon the agreement of all candidates the lack of debate shall not impede, stop, or limit the campaign efforts of any candidate and it shall be treated as if that debate had occurred. If the candidates do not agree then the Secretary of State shall make a determination. This shall require a high standard of proof if not agreed upon by all parties.
- (7) General election Open Public Debates for candidates shall conform to the following conditions:
- (a) All candidates that are recognized to participate in any general election by the Secretary of State shall be included in the debates.
 - (b) Any challenger to an incumbent candidate shall have first opportunity to schedule a debate. If there is more than one challenger then position shall be determined by coin flip or any other method agreed upon by all participants. The winner of the determination process shall be designated position one and all other candidates shall be assigned successive positions until all challengers have been assigned a position.

Once the position of the challengers have been determined then the incumbent candidate shall be placed at the end of the positions.

- (c) Control of the debates shall start with the first position and rotate through all positions at which point they shall start the process again with the first position. The candidate in control of any particular debate shall be known as the control candidate.
- (d) The candidate in the first position shall determine and schedule the first debate on a date not more than 115 days prior nor less than 113 day prior to the general election. They are the control candidate for that specific debate.
- (e) The candidate in the next position shall have control of scheduling the next debate and shall designate a day for debate not less than the third day following the prior debate nor more than the seventh day following the prior debate. Any debate set 6 or more days following the prior debate shall be scheduled sooner if all other candidates unanimously request a sooner debate. The debate shall then be set for either the fourth or fifth day following the prior debate by the control candidate. The process shall continue until there are a minimum of 3 future debates scheduled.
- (f) The debate schedule shall maintain a minimum of 3 future debates until the number becomes unfeasible due to the nearness of the general election. The Secretary of State shall maintain and post on a publicly accessible website the schedule and all necessary information for all debates and future debates. The control candidate is responsible for notifying the Secretary of State of the date of a future debate which they control. No debate is official until it is reported to the Secretary of State, a date is considered scheduled when it has been reported to the Secretary of State.
- (g) The last scheduled debate shall be 2 day prior to the primary election. If the last scheduled debate with the Secretary of State is 3 days or more prior to the general election then the candidate in the position to schedule the next debate may schedule the last debate for the second day prior to the election. If they decline, the candidate in the next position shall have the opportunity to schedule a debate. This shall continue until either a candidate schedules a debate or all candidates have had an opportunity to schedule a debate, if all decline then there will be no debate on the second day prior to the general election.
- (h) No debate shall be scheduled less that 2 days from the current date nor more that 28 days from the current date.
- (i) After a debate has been completed if the schedule of future debates is less than 3 then the candidate who is the control candidate for the next debate to be scheduled shall have 7 days or 3 days after the next debate to schedule a debate, whichever is less. If they fail to schedule a debate in this time frame then they shall lose their control position for the next debate to be scheduled and it shall fall to the next position who shall schedule a debate within 24 hours or control of the next debate to be scheduled shall fall to the first candidate to schedule a debate with the Secretary of State. After a debate has been scheduled the control shall return to the position directly after the position which lost control and continue on in the same order as before. The candidate who lost control shall not have the opportunity to schedule another debate until their position comes up again.
- (j) All candidates are expected to work together to schedule debates and candidates must not work to intentionally place another candidate at a disadvantage.
- (k) If a scheduled debate cannot be completed due to unforeseen circumstances or reasonable and legitimate safety concerns for the public or the candidates, then upon the agreement of all candidates the lack of debate shall not impede, stop, or limit the campaign efforts of any candidate and it shall be treated as if that debate had occurred.

If the candidates do not agree then the Secretary of State shall make a determination. This shall require a high standard of proof if not agreed upon by all parties.

- (8) Incumbent candidates shall participate in the debates but reasonable accommodations shall be made if they are in active session. They shall be allowed to participate by video conference provided they conform to all video participation requirements in the article.
- (9) Format of the debates.
 - (a) The control candidate shall be responsible for determining the logistics of the debate. In addition to the date of the debate they shall set the time, the location, the moderator, and any other necessary conditions to provide an efficient and orderly debate.
 - (b) The control candidate may choose a sponsor of the debate who may then be responsible for and determine the logistics of the debate.
 - (c) The control candidate or sponsor may set a main topic for the debate. The topic must be set and communicated to all candidates at least 48 hours prior to the debate.
 - (d) A debate shall be scheduled for not less than 1 hour nor more than 3 hours.
 - (e) There shall be a video of all debates. The control candidate shall be responsible for ensuring that a video is produced and that it is distributed to the Secretary of State and all candidates within 24 hours of the debate. The Secretary of State shall maintain all debate videos on a publicly accessible website. Every candidate participating in the debate has the right to produce a video of the debate. No video shall be produced in such a way as to not treat all candidates equally. No video shall be produced to give any candidate an advantage or disadvantage over the other candidates. If it is determined an official video of any debate is not fair and equal to all candidates then the Secretary of State shall replace that video on the website with the video which treats all candidates in the fairest and most equal presentation. The debates may be televised live or streamed live over the internet.
 - (f) If a sponsor is designated then half of the questions may be determined by the sponsor. The other half or unused portion of the questions shall be divided equally between all candidates. If a topic has been set for the debate then all candidate questions shall be addressing issues of that topic.
 - (g) Questions from all sources shall be directed at policy, proposed legislation, positions of candidates, ideas of the candidates, government programs either existing or proposed, and revenue and budget issues.
 - (h) No questions in a debate shall address personal or private issues of any candidate unless the candidate agrees to answer questions of that nature. This shall include but is not limited to anything involving family, friends, or acquaintances of candidates.
 - (i) Each debate shall include at least one question for each candidate that is randomly drawn from questions submitted by the attendees of a debate provided any have been submitted. If a question has already been asked and answered then additional questions may be drawn until a question that has not been asked is drawn. If a question which is new cannot be drawn then the first drawn question shall be asked of the candidate.
 - (j) Each candidate may be allowed one fact checker and any candidate may request stated facts in the debate to be fact checked. The results of any fact check can be reported later but only at the end of a question being answered or prior to a question being asked. No fact check request shall be reported unless the results come from a verifiable, reliable, and authoritative source (VRA Source). No blogger or individual on the internet shall ever be considered a VRA Source.
 - (k) VRA Sources are not limited to but shall include: Official government sites, Official government statistics, voting records of any candidate if not taken out of context,

websites of candidates, and the Colorado Public Fact Check site if established by this article or the Colorado Legislature.

- (10) General election Open Public Debates for ballot initiatives and issues shall conform to the following conditions:
- (a) The proponents of any ballot initiative or issue to be placed on the general election ballot shall be the recognized party for promoting that initiative or issue. All committees wishing to promote an initiative or issue shall only be able to promote the initiative or issue while approved to do so by the proponents.
 - (b) If the proponents of an initiative or issue declare that promoting an initiative or issue shall only be In the Interest, then all committees promoting that initiative or issue shall be required to be In the Interest. Any promoting committee that is deemed Not in the Interest, and do not cure the cause for such, shall have their registration and right to participate in the election immediately revoked by the Secretary of State. All funds that have been contributed to that committee shall be distributed to any other promoting committees as determined by the proponents of that initiative or issue, except for the fund which caused the committee to be deemed Not in the Interest, which shall be turned over to the Secretary of State. Any funds that would cause a committee to be deemed Not in the Interest shall not be distributed but shall be turned over to the Secretary of State.
 - (c) The proponents of an initiative or issue shall appoint 2 individuals to represent the promoting committees in each debate.
 - (d) Any committee wishing to oppose an initiative or issue shall register with the Secretary of State and conform to the following conditions.
 - i. They shall, within 30 days of registering, present a petition to the Secretary of State with signatures of electors opposed to the initiative or issue.
 - ii. The petition submitted shall be subject to the same statutory requirements as a petition to place an initiative or issue on the ballot, with the exception of the number of signatures, which shall be 2% of the number required to place an initiative or issue on the ballot.
 - iii. They may participate in Open Public Debates but shall not do any mass media advertising until they have submitted their petition and have it declared sufficient by the Secretary of State.
 - iv. If there is more than one committee opposing an initiative or issue the committees that has submitted the most petition signatures shall be the primary opposition.
 - v. The primary opposition committee shall designate one representative for each debate and all other opposing committees shall designate one representative for each debate on a rotating basis for a total of 2 representatives for each debate.
 - vi. Any opposing committee that does not successfully complete their petition requirements shall have their registration and right to participate in the election immediately revoked by the Secretary of State. All funds that have been contributed to that committee shall be turned over to the Secretary of State.
 - (e) The proponents for an initiative or issue, or their designated agent, shall set the first debate and the primary opposition committee shall set the second debate. Subsequent debates shall then rotate between proponents and opposition committees with the opposition committees rotating if there is more than one committee. The first debate shall be set within 7 days of the Secretary of State qualifying the initiative or issue for inclusion on the ballot. The first debate shall not be set for a date greater than 100 days prior to the general election.
 - (f) The debate operation and format shall follow the same rules and requirements as set

for candidate debates.

- (11) Transfer committees shall not participate in any debates.
- (12) Candidates or committees shall participate in 60% or more of debates. Up to 20% of debates may be participated in by video conference if the candidate or committee has reasonable cause for not being able to participate in person. The candidate or committee participating by video conference shall be responsible for all costs associated with the video conference including set up and for ensuring that video conference capability is available. Any candidate or committee participating by video conference shall notify the control candidate or committee and must allow 1 observer for every other candidate or committee participating, at the location of video casting.
- (13) Incumbent representatives shall not be limited to the 20% limitation on video conferences if they are not able to participate in person due to being in active session.
- (14) A candidate or committee not complying with these open debate requirements, outside of reasonable curable error, shall be deemed Not in the Interest and subject to all taxing requirements.

Section 9. Right, Access, and Ease of Voting.

- (1) All Colorado potential electors shall have the right to register to vote up to and including election day.
 - (a) Any Colorado official or elector shall have the right to challenge a voter registration for 21 days after the date of that voter registration but not to exceed more than 10 days past election day.
 - (b) Any party challenging a voter registration must sign an affidavit which will include at the minimum the challenger's name and address, the reason for challenging, and the date of challenge. The Secretary of State may add other requirements as it sees necessary as long as they do not single out any specific individual, group, or organization over others and as long as they do not create an onerous burden on that party.
 - (c) This section shall be interpreted liberally and any benefit of doubt shall go to the elector. A voter registration shall be considered valid unless there is reasonable doubt to consider otherwise. The burden of proof shall be on the challengers.
- (2) Electors may not be removed from the Colorado voter registration database without absolute or reasonable knowledge that they are no longer eligible to vote in Colorado.
 - (a) No elector shall be removed from the voter registration list unless the Secretary of State office has publicly listed their intention to do so on a publicly accessible website for a minimum of 90 days. The website shall include the elector's name, address, party affiliation, reason for removal, projected date of removal, and any other information the Secretary of State deems necessary to properly identify a Colorado elector, providing all legal and privacy requirements are met and observed.
 - (b) Names may only be added to the removal website on the first business day of each month.
 - (c) Any elector name added to the removal website more than 240 days prior to the next election day shall be required to be listed for a minimum of 120 days.
 - (d) All elector names removed from the voter registration list shall be listed on a publicly accessible website within 14 days of being removed and shall remain for a minimum of 45 days after the next election day from the date of removal. Any elector appearing on the removal list shall be reinstated to the voter registration list upon contacting the

Secretary of State and requesting reinstatement.

- (e) No elector shall be removed from the voter registration lists less than 90 days prior to election day.
- (3) No legal elector shall be impeded, denied, intimidated, or limited in their right or ability to vote.
 - (a) Any party challenging a registered elector or their right to vote must sign an affidavit which will include at the minimum the challenger's name and address, the reason for challenging, and the date of challenge. The Secretary of State may add other requirements as it sees necessary as long as they do not single out any specific individual, group, or organization over others and as long as they do not create an onerous burden on that party.
 - (b) Any individual, group, or organization challenging an elector must have substantial cause for any such challenge. The burden of proof shall be on the challenger as every elector shall be considered legal unless reasonable and convincing proof can be provided to the contrary.
 - (c) Any individual, group, or organization challenging more than 5 electors in a single election shall be expected to substantially prevail in those challenges. If 80% or more of the challenges are invalid the party may be fined. If 100% of the challenges are invalid the party shall be fined an amount not less than 5 times the prevailing minimum wage nor more than 100 times the prevailing minimum wage for each invalid challenge. Any challenge that is found to be harassing, discriminatory, retaliatory, or for intimidating purposes shall cause the challenger to be fines in the amount of not less than 50 times the prevailing minimum wage nor more than 500 times the prevailing minimum wage for each instance.
- (4) No legislature, council, or other governing body may pass any bill, law, regulation, or legislation affecting any election that would cause any election to be more difficult, time consuming, or less intuitive for the electorate without the approval of the electorate.
- (5) Any elector may cause the electoral process to be changed to improve the process for the electorate by implementing other proven processes. If an electoral process is being successfully employed elsewhere in Colorado or in another State the elector may petition the proper legislative body for consideration. If any elector or group of electors presents a petition with the signatures of 1% of the population that would be effected, to the proper legislative body, then that legislative body shall consider the electoral process and shall have a vote on the adoption of the process within that legislative body The process must be able to show that it will improve the electoral process for a super majority of the affected electors and must not place any group or specific elector at a disadvantage.
- (6) Any committee that is found to have impeded, denied, intimidated, or limited an elector their right or ability to register to vote or vote, shall be deemed Not in the Interest and subject to all taxing requirements.

Section 10. Political Parties and Political Party Committees.

- (1) Any political parties or political party committees that are legally recognized by and registered with the State of Colorado shall have special considerations. This article shall not hinder the ability of those parties or committees to exist.
- (2) This article does not limit contributions to political parties for the purpose of operational expenses, necessary everyday expenses or expenditures, and costs necessary to continued existence. The legislature shall regulate and set limits for contributions for the costs and expenses necessary to maintain the operation and existence of that political party. Any

funds or contributions use for those purposes shall be exempt from taxes or oversight fees provided they maintain and follow all statutory requirements to be a tax exempt organizations.

- (3) All political parties within Colorado, or the State of Colorado chapters of any national political parties shall be required to adhere to this article in regards to all contributions related to any elections for all candidates or issues that are determined primarily by Colorado electors. The following conditions shall apply:
 - (a) Contributions, loans, or any other income designated for promoting or opposing any candidate or issue which will appear on a ballot in Colorado which will be determined primarily or wholly by Colorado electors shall be reported and maintained separately from those contributions, loans, or other income designated for operational purposes.
 - (b) These funds shall come from Colorado electors.
 - (c) These funds shall be limited to 30 times the prevailing minimum wage for each elector and any amounts contributed to the party for this purpose shall count against the individual electors total for contributions to a campaign committee.
 - (d) The party may not transfer funds or make contributions to a transfer committee.
 - (e) The party may not transfer funds between operational accounts and candidate or campaign committee accounts.
 - (f) No individual candidate or campaign committee shall receive more than 15% of election funds received by the party in any election cycle.
 - (g) Violation of any of these conditions shall cause the party to be deemed Not in the Interest until the issue is cured or until the next election cycle, at which time the party shall be restored to a status of deemed In the Interest. Until a status of In the Interest is restore the party shall be subject to all taxing requirements for any contributions or funds received for the purpose of funding candidates, campaigns, or funding the election efforts of candidates or representatives.

Section 11. Penalties.

- (1) A political party or political party committee that is deemed Not in the Interest shall be taxed at the rate determined in this article and charged oversight fees for all election funds in the current election cycle.
- (2) Any candidate or candidate committee deemed Not in the Interest shall incur the following penalties:
 - (a) They shall no longer be eligible for tax exempt status.
 - (b) They shall be immediately liable for taxes on all contributions, funds, loans, or other spendable amounts that they control or have access to on the day they were deemed Not in the Interest by the Secretary of State. They shall pay the tax based on the rate determined by the amount of their current election cycle funds based on the date they were deemed Not in the Interest.
 - (c) They shall pay a tax on current election cycle funds at the following rates; 120 days or more prior to the general election a rate of 45%, less than 120 day but 90 or more days prior to the general election a rate of 55%, less than 90 days but 45 or more days prior to the general election a rate of 65%, less than 45 days but 15 or more days prior to the general election a rate of 75%, less than 15 days prior to the general election a rate of 85%.
 - (d) Any candidate or candidate committee deemed Not in the Interest shall be listed after all candidates deemed In the Interest, on the ballot and shall be listed below an informational statement which says "The following candidate have been deemed Not

in the Interest of Colorado and Coloradans". If the ballots have already been printed a best effort shall be made to stamp all physical ballots with the informational statement and all electronic ballots should have the informational statement associated with that candidate name on the ballot.

- (e) All mass media advertising must contain the informational statement which says "The following candidate have been deemed Not in the Interest of Colorado and Coloradans" in both writing and audio statements where possible.
 - (f) A document listing all candidates and all committees promoting or opposing a ballot issue that have been deemed Not in the Interest shall be included with all ballots which are mail out to electors. The document shall also be given to all electors at any polls on election day and the election judges shall inform electors that the document contains candidates and issue committees deemed Not in the Interest.
 - (g) All polling places shall post at least one sign in clear view that can be easily read by every elector entering that polling location, of at least 18 inches by 18 inches, for each candidate or issue committee that was deemed Not in the Interest.
 - (h) The Secretary of State shall have the right to charge any candidate or committee all costs associated with notifying the electorate that the candidate or committee is deemed Not in the Interest.
- (3) Any committee deemed Not in the Interest shall incur the following penalties:
- (a) They shall no longer be eligible for tax exempt status.
 - (b) They shall be immediately liable for taxes on all contributions, funds, loans, or other spendable amounts that they control or have access to on the day they were deemed Not in the Interest by the Secretary of State. They shall pay the tax based on the rate determined by the amount of their current election cycle funds based on the date they were deemed Not in the Interest.
 - (c) They shall pay a tax on current election cycle funds at the following rates; 120 days or more prior to the general election a rate of 45%, less than 120 day but 90 or more days prior to the general election a rate of 55%, less than 90 days but 45 or more days prior to the general election a rate of 65%, less than 45 days but 15 or more days prior to the general election a rate of 75%, less than 15 days prior to the general election a rate of 85%.
 - (d) Any committee promoting or opposing an initiative or issue deemed Not in the Interest shall include in all mass media advertising the informational statement which says "The following committee has been deemed Not in the Interest of Colorado and Coloradans" in both writing and audio statements where possible. In addition they shall also include with that informational statement the initiative or issue affected and whether they are promoting or opposing passage in a clear and understandable manner.
 - (e) All provisions of subsection 2 of this section that can apply to committees shall also be applied.
- (4) Any transfer committee deemed Not in the Interest, in addition to all penalties for committees shall also incur the following penalties and conditions:
- (a) They shall pay an additional 3% oversight fee, above what has already been paid, on all current election cycle funds to offset costs by the Secretary of State caused by tracking and verifying funds and donors across multiple committees and from multiple sources.
 - (b) All donors to a transfer committee that has been deemed Not in the Interest shall immediately be barred from donating or contributing to any other transfer committee and any transfer committee accepting their donations or contributions shall be deemed Not in the Interest, unless they cure the deficiency by turning all such funds over to

the Secretary of State.

- (c) The transfer committee, starting with the date of being deemed Not in the Interest, shall immediately withhold taxes, at a rate of one bracket above their current bracket, on all funds, contributions, or other items of value, before any of those funds, contributions, or other items of value can be spent, distributed, or used in any other manner. Taxes shall be considered withheld when they are either transferred to the Secretary of State or transferred to an account specifically created to hold such funds. Once transferred, none of the funds shall be transferred back to the committee without written publicly posted permission from the Secretary of State.
- (d) All registering parties, responsible parties, executive parties, or managing parties of the transfer committee shall be personally liable for all taxes due from the operation of that committee, if the committee should fail to pay such taxes.
- (5) Any committee that receives any funds or spends any funds that it does not submit taxes due or does not have funds available to pay taxes due or potentially due by the spending of those funds shall cause all responsible parties, managing parties, or executive parties of that committee to be personally liable for those taxes also and to be subject to penalties. Those penalties shall be a fine of not less than 500 times the prevailing minimum wage and may include a prison term of not more than 3 years. The fine shall also not be less than 2 times the amount of taxes due and these fines in no way shall lower or eliminate the taxes that are due.
- (6) Any individual, group, organization, or committee that fraudulently portrays themselves as supporting a candidate or other committee to interfere with their standing of In the Interest, to fraudulently misrepresent another candidate or committee, or to deceive the electorate in regards to any other candidate or committee shall be fined an amount not less than 1000 times the prevailing minimum wage, and may be subject to prison.
- (7) Any government official, elected representative, or government employee that fraudulently misrepresents this article or public information required by this article shall be subjected to any of the penalties provided by this article. Any of these persons who knowingly assist or enable any individual, group, or organization in defeating or avoiding the requirements of this article shall also be subjected to any of the penalties contained herein.

Section 12. Intent.

- (1) The intent of the article XXX is to promote the following ideals:
 - (a) To create a framework which will work towards the ideal that Colorado elections are for Coloradans. The influence of outside forces should be eliminated wherever possible and decisions should be left to the human individuals who work, play, live, grow, contribute, and make Colorado their home.
 - (b) To create a framework where every Coloradan is treated as equally as possible and has the same rights or ability to equally participate in the outcome of elections, the representation of Colorado, and the governance of Colorado.
 - (c) To create a framework where every elector has as equal opportunity to influence and participate in elections regardless of their economic, social, cultural, religious, or personal belief positions.
 - (d) To create a framework where electors are presented with truthful accounting and unbiased information concerning candidates and issues that will appear on ballots in Colorado. Where innuendo, propaganda, empty rhetoric, and ad hominem attacks are discouraged and facts, studies, and specific ideas and solutions are encouraged.

- (e) To create a framework where electors have the right to know how an elected representative will represent them. Electors have the right to know the position on an issue of an elected representative, how an elected representative intends to vote on an issue, the factors determining an elected representative's position, and how those positions will effect the electorate and an estimation of the percent of Colorado electors effected.
 - (f) To create a framework where money, social position, economic position, or cultural position does not create an advantage or disadvantage to any elector or group of electors in regards to the election process, representation, or governance of Colorado.
 - (g) To create a framework where voting for every elector is as accessible, as easy, as intuitive, and as quickly accomplished, as possible on as equal a basis as possible for all electors.
- (2) All challenges to this article or enforcement of this article shall be viewed by the judiciary in the light of the intent stated in this Section. This article should be liberally interpreted to protect the rights of the individual electors and to treat all electors as equally as possible.

Section 13. Operational considerations.

- (1) The Secretary of State in order to make this article more functional and to avoid operational delays or obstructions may add to, clarify, or define requirements to address any unforeseen issues that are bound to arise. Any of these additions, clarifications, or defined requirements shall only be in effect until the earlier of; the Legislature addressing the issue through statute, or the end of the current election cycle. They shall not limit or restrict the provisions of this article or the powers herein granted.
- (2) Any additions, clarifications, or defined requirements by the Secretary of State shall make every effort possible to not create an advantage or disadvantage for any individual, group, or organization over any other.
- (3) In order to ensure that the Secretary of State budget shall not be negatively affected by this article the legislature has the right to increase the oversight fees to cover all reasonable costs to the Secretary of State for maintaining and overseeing this article. The legislature must maintain the proportional progressive fee structure of the oversight fee and shall not decrease the fee from what is set in this article. The Secretary of State or legislature may set a minimum amount of oversight fee that may accrue before a committee is required to transfer those funds. They may also set a minimum amount of taxes due before requiring a transfer of those funds.
- (4) At the end of an election cycle candidate ommittees shall be allowed to continue. issue committees shall only be allowed to continue if they maintain the same initiative or issue and declare the intent to have their initiative or issue place upon the next election that the initiative or issue would qualify for inclusion. Transfer committees shall not be allowed to continue beyond a single election cycle.
- (5) Discontinued committees funds shall be designated for the benefit of the general public and shall be returned to the general public. The committee shall have the option of funds going to either the Colorado General Fund or to any Colorado public school district which is funded through public taxes. No funds shall be earmarked in any way nor shall they go to any specific project or school.

Section 14. Colorado Public Fact Check.

- (1) It is in the best interests of electors if there is a reliable source for checking the truthfulness

and accuracy of statements made in Colorado elections and campaigns. To this end the Colorado legislature is encouraged to create a Colorado Public Fact Check organization to determine the accuracy, truthfulness, and reliability of statements or claims made by candidates, and committees.

- (2) In the absence of or in addition to a Colorado Public Fact Check (CPFC) organization created by the Colorado legislature this article may create such an organization under the following conditions:
 - (a) The CPFC shall be formed by Colorado publicly funded Universities and Colleges.
 - (b) All Universities and Colleges will voluntarily participate at their discretion.
 - (c) Each University or College shall have the right to designate up to 3 volunteer members to serve on the CPFC. These volunteers shall be drawn from the educational staff and shall not include administration. It is encouraged that volunteers should include representation from Ethics, Journalism, and Science departments.
 - (d) CPFC shall accept requests from candidates and committees for review. They may also review issues, statements, or claims submitted by members or participating Universities and Colleges.
 - (e) Each requested or accepted review shall be reviewed by a minimum of 9 members.
 - (f) The members may determine if anything reviewed is misleading, deceptive, substantially true or untrue, or true or untrue.
 - (g) The findings of the CPFC shall be posted by the Secretary of State on a publicly accessible website.
 - (h) The members of CPFC shall determine the rules, requirements, and other conditions that they will operate under. These operational guidelines shall be defined or renewed for each election cycle.
 - (i) The CPFC shall operate in an open and nonpartisan manner and all reviews and decisions shall have the facts, figures, and findings used in determination publicly available.
 - (j) The CPFC members shall have the right to require a participating University or College to replace any member that is determined to be biased, partisan, abusive, or disruptive by a super majority vote.
 - (k) The CPFC shall operate in a factual and verifiable manner. Opinions, emotional appeals, beliefs not based in fact shall be discouraged.
 - (l) Any University or College shall have the right to initiate the CPFC any time after the effective date of this article.
 - (m) No Colorado public University or College shall be excluded from participation.
 - (n) If there are not enough participating Universities or Colleges to supply the minimum of 9 members required for review then those Universities or Colleges choosing to participate shall have the right to add additional members on an equal basis until at least a minimum of 9 members are designated.

Section 15. Conflicting provisions declared inapplicable.

Any provisions in the statutes of this state in conflict or inconsistent with this article are hereby declared to be inapplicable to the matters covered and provided for in this article.

Section 16. Applicability and effective date.

The provisions of this article shall take effect on January 1, 2016 and be applicable thereafter. Legislation may be enacted to facilitate the operation of this article, but in no way shall such legislation limit or

restrict the provisions of this article or the powers herein granted.

Section 17. Severability.

If any provision of this article or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

Ballot Title Setting Board

Proposed Initiative 2015-2016 #24¹

Hearing April 15, 2015:

Title setting denied on the basis that the measure does not constitute a single subject.

Hearing adjourned 1:38 p.m.

Rehearing April 23, 2015:

Motion for rehearing denied.

Hearing adjourned 3:29 p.m.

¹ Unofficially captioned “Election Requirements” by legislative staff for tracking purposes. This caption is not part of the titles set by the Board.



Colorado Title Board
Colorado Secretary of State

RECEIVED

APR 22 2015

S. WARD
12:00PM

Colorado Secretary of State

MOTION FOR REHEARING

IN RE TITLE-SETTING OF INITIATIVE 2015-2016 #24

Proponents Dan Chapin and Ryan Chapin hereby request a rehearing and reconsideration of the decision of the Title Board on April 15, 2015 to not set title for Initiative 2015-2016 #24 (Elector Bill of Rights), which would amend the Colorado constitution.

The Title Board incorrectly voted that Initiative #24 was not a single subject. This is contrary to past actions of the board and to past decisions of the Supreme Court. The board did not act in a fair and equitable manner in regards to Initiative #24 and failed to apply judicial decisions construing the constitutional single-subject requirement as required by statute.

Initiative #24 is a single subject as all matters encompassed are properly and necessarily connect to each other. Further, the items in the Initiative are dependent and connected with each other to serve or accomplish a single purpose.

For these reasons and others we are requesting the board to rehear and properly set the title for Initiative #24.

WHEREFORE, proponents Dan Chapin and Ryan Chapin respectfully request a rehearing and reconsideration of the decision of the Title Board on April 15, 2015, for Initiative 2015-2016 #24.

Respectfully submitted this 22nd day of April 2015

Dan Chapin
12422 E. Amherst Circle
Aurora, CO 80014

Ryan Chapin
6538 S. Alkire Street
Littleton, CO 80127



Arguments for Single Subject of Initiative for Rehearing 4/23/15

Proposed initiative #24 is a single-subject initiative. That subject is to Create an Elector Bill of Rights in regard to elections. There are many other Elector Rights that were not addressed in this initiative as it was limited to Elector Rights as they relate to fair, open, and informed elections for Coloradans. Elector Rights in regard to elections is a well defined subset of rights under the umbrella of all Elector rights that accomplishes a single general purpose of well informed equal participation in Colorado elections.

CRS Section 1-40-106.5(3) directs the Board to "apply judicial decisions construing the constitutional single-subject requirement for bills and ... follow the same rules employed by the general assembly in considering titles for bills." The court also noted in *Lamm v. Barber*, "We also must be mindful of the familiar principle that a statute is presumed to be constitutional and cannot be declared unconstitutional unless that conclusion is established beyond a reasonable doubt." *E.g., Lamm v. Barber*, 192 Colo. 511, 522, 565 P.2d 538, 546 (1977). It follows that the Title Board must apply judicial decisions in determining single subject and they must presume that it is constitutional, in that it does contain a single subject unless established beyond a reasonable doubt that there are clear, recognizable, and defined multiple subjects. The burden of proof lies with the Title Board to specifically define beyond a reasonable doubt what those subjects are. The Board has not established this.

In MATTER OF TITLE 1997-1998 NO. 74 962 P.2d 927 the court stated, "The single-subject requirement must be liberally construed, however, so as not to impose undue restrictions on the initiative process." Further, in the same ruling the court stated, "the single-subject requirement does not preclude the use of provisions that are not wholly integral to the basic idea of a proposed initiative."

In Matter of Petition for Amend. to Const., 907 P.2d 586 (Colo. 1995) the court stated, "The single-subject requirement is designed to protect voters against fraud and surprise and to eliminate the practice of combining several unrelated subjects in a single measure for the purpose of enlisting support from advocates of each subject and thus securing the enactment of measures which might not otherwise be approved by voters on the basis of the merits of those discrete measures." see *In re Proposed Initiative "Public Rights in Waters II"*, 898 P.2d 1076, 1078 (Colo.1995); *In re Proposed Initiative on Sch. Pilot Program*, 874 P.2d 1066, 1069 (Colo.1994).

The Board approved last year, as a single-subject, Initiative 135 Horse Racetrack Limited Gaming. The initiative was proposed to expand gambling into specific racetrack location which would make its focus the support of advocates for expanding gambling in Colorado, however they included in the initiative the creation of an education trust fund thus also enlisting the support of advocates for education. Many would look at that as a classic example of enlisting support from advocates on unrelated subjects, thus attempting to elicit additional support where neither would pass based on the merits of those discrete measures. In fact I personally know of several people who were against expanding gambling but had stated they would vote for the initiative because they were for anything that would improve education.

It is a well established principle of law that all laws must be applied consistently and equitably. In light of this principle, since gambling and education were accepted as a single-subject by this Board then you must find two or more subjects in Initiative #24 that are more disparate or incongruous than gambling

and education.

Initiative #24 has a single well defined purpose which is to create a framework that encourages a well informed and truthfully informed electorate that has an equal opportunity to participate in Colorado elections. Equal participation being the ability to support, influence, message, and vote on an equal basis with other Coloradans.

In order to violate the single-subject requirement, the text of the measure must "relate[] to more than one subject and [have] at least two distinct and separate purposes which are not dependent upon or connected with each other." *In Re Proposed Ballot Initiative on Parental rights*, 913 P.2d 1127 (Colo. 1996)

In *MATTER OF TITLE 1997-1998 NO 74* 962 P.2d 927 where the court stated, "the single-subject requirement does not preclude the use of provisions that are not wholly integral to the basic idea of a proposed initiative", they continued to note, "Multiple ideas might well be parsed from even the simplest proposal by applying ever more exacting levels of analytic abstraction until an initiative measure has been broken into pieces. Such analysis, however, is neither required by the single-subject requirement nor compatible with the right to propose initiatives guaranteed by Colorado's constitution."

Furthermore in the same ruling the court stated, "An initiative with a single, distinct purpose does not violate the single-subject requirement simply because it spells out details relating to its implementation. As long as the procedures specified have a necessary and proper relationship to the substance of the initiative, they are not a separate subject." See *In Re Proposed Initiative 1996-6*, 917 P.2d 1277, 1279-80 (Colo. 1996); *In Re Proposed Ballot Initiative For Parental Rights*, 913 P.2d 1127, 1130-31 (Colo. 1996). Finally in the same ruling the court found, "The initiative is not transformed into a multi-subject proposal simply because it specifies the mechanisms to be used to resolve issues"

The Board had expressed concern, or stated they think the initiative is too broad, or that it seems to be doing too much. Concerns, what one thinks, or what something seems are not recognized legal arguments and the Board must rely on judicial decisions as has been clearly established in Statute and case law. In addition you can not arrive at concerns, what you think, or what something seems without judging the merits, which is not within the scope of what the Board is allowed. In *Matter of Petition for Amend. to Const.*, 907 P.2d 586 (Colo. 1995) the court clearly established, "We do not address the merits of a proposed initiative, nor do we interpret its language or predict its application if adopted by the electorate." see *In re Petition on Campaign and Political Fin.*, 877 P.2d 311, 313 (Colo.1994)

Proponents request the Board liberally construe Initiative #24 in the light of past actions by the Board and past decisions by the Supreme Court and recognize that in applying the appropriate law in a consistent and equitable manner, as applied in past actions, that Initiative #24 is a single-subject and should be approved as such and we should continue with setting of Title.

Ballot Title Setting Board

Proposed Initiative 2015-2016 #24¹

The title as designated and fixed by the Board is as follows:

1 State taxes shall be increased _____ annually by an amendment to the state
2 constitution concerning a tax upon certain forms of political activity deemed not in the interest of
3 Colorado, and, in connection therewith, adding a new article to the state constitution governing
4 campaign finance and the conduct of elections; imposing oversight fees on issue committees,
5 political action committees, and campaign committees; making determinations whether these
6 committees are deemed to be in the interest of Colorado and thereby immune from the tax levy or
7 penalties otherwise imposed under the article; requiring the committees to report their
8 contributions, loans, or income above certain amounts; significantly reducing the limits on
9 contributions individuals may make to the committees and that such committees may accept from
10 individuals and tying the contribution limits to the minimum wage; requiring candidates to make
11 themselves available for candidate debates; specifying detailed requirements for the holding of the
12 debates; specifying requirements governing voter registration; prohibiting the enactment of
13 election laws that would be more burdensome on the electorate without the approval of the
14 electorate; imposing penalties on candidates, political parties, and committees deemed not in the
15 interest of Colorado; and creating a Colorado Fact Check organization.

The ballot title and submission clause as designated and fixed by the Board is as follows:

16 Shall state taxes be increased _____ annually by an amendment to the state constitution
17 concerning a tax upon certain forms of political activity deemed not in the interest of Colorado,
18 and, in connection therewith, adding a new article to the state constitution governing campaign
19 finance and the conduct of elections; imposing oversight fees on issue committees, political action

¹ Unofficially captioned “**Election Requirements**” by legislative staff for tracking purposes. This caption is not part of the titles set by the Board.

committees, and campaign committees; making determinations whether these committees are deemed to be in the interest of Colorado and thereby immune from the tax levy or penalties otherwise imposed under the article; requiring the committees to report their contributions, loans, or income above certain amounts; significantly reducing the limits on contributions individuals may make to the committees and that such committees may accept from individuals and tying the contribution limits to the minimum wage; requiring candidates to make themselves available for candidate debates; specifying detailed requirements for the holding of the debates; specifying requirements governing voter registration; prohibiting the enactment of election laws that would be more burdensome on the electorate without the approval of the electorate; imposing penalties on candidates, political parties, and committees deemed not in the interest of Colorado; and creating a Colorado Fact Check organization?

Proposed Initiative 2015-2016 #24

Proponents Proposed title with changes from Staff Draft as follows:

State taxes shall possibly be increased up to \$323 Million annually by an amendment to the state constitution concerning a tax, to be paid by political committees and not individuals, upon certain forms of political activity deemed not in the interest of Colorado, and, in connection therewith, adding a new article to the state constitution governing campaign finance and the conduct of elections; imposing oversight fees on issue committees, political action committees, and campaign committees; making determinations whether these committees are deemed to be in the interest of Colorado and thereby immune from the tax levy ~~or penalties otherwise imposed under the article~~; requiring the committees to report their contributions, loans, or income above certain amounts; ~~significantly reducing the setting reasonable~~ limits on contributions individuals may make to the committees and that such committees may accept from individuals and tying the contribution limits to the minimum wage; ~~requiring encouraging~~ candidates to make themselves available for candidate debates and establishing a framework for debates; ~~specifying detailed requirements for the holding of the debates~~; specifying requirements ~~governing protecting elector's~~ voter registration; prohibiting the enactment of election laws that would be more burdensome on the electorate without the approval of the electorate; imposing penalties on candidates, political parties, and committees deemed not in the interest of Colorado; and creating a Colorado Fact Check organization.

Proponents Proposed Ballot title and submission clause follows:

Shall state taxes possibly be increased up to \$323 Million annually by an amendment to the state constitution concerning a tax, to be paid by political committees and not individuals, upon certain forms of political activity deemed not in the interest of Colorado, and, in connection therewith, adding a new article to the state constitution governing campaign finance and the conduct of elections; imposing oversight fees on issue committees, political action committees, and campaign committees; making determinations whether these committees are deemed to be in the interest of Colorado and thereby immune from the tax levy ; requiring the committees to report their contributions, loans, or income above certain amounts; ~~setting reasonable~~ limits on contributions individuals may make to the committees and that such committees may accept from individuals and tying the contribution limits to the minimum wage; encouraging candidates to make themselves available for candidate debates and establishing a framework for debates; ; specifying requirements protecting elector's voter registration; prohibiting the enactment of election laws that would be more burdensome on the electorate without the approval of the electorate; imposing penalties on candidates, political parties, and committees deemed not in the interest of Colorado; and creating a Colorado Fact Check organization?