



Colorado Justice: Celebrating 40 years of fair  
and impartial courts through merit selection

## *media alert*

Colorado Judicial Branch  
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**July 6, 2006**

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### **Chronology of ballot initiative appeals lodged in Colorado Supreme Court Timetables for 2004 and 2006 general election challenges**

The Colorado Judicial Branch has charted the time spent by the Colorado Supreme Court on appeals resulting from decisions issued by the Colorado Ballot Title Setting Board for the 2004 and 2006 general elections. The complete chart, itemized by initiative, is provided on page 3 here. This information will be referenced in public discussions during the next few days so we are providing the full chart here for your full information.

Highlights of information on the chart include:

- The court usually rules within eight days after all briefs are received in ballot initiative appeals. However, this statistic applies only to appeals in which no written opinions are required. If the court overturns a decision of the title setting board, state law requires it to issue a written opinion.
- Cases requiring written opinions require more time. In such cases during the last two election cycles, the Colorado Supreme Court has issued the required written opinions within 25 to 60 days.
- When there is a dissenting opinion, even more time is required. In the three ballot initiative appeals in the last two election cycles where there were dissenting opinions, the rulings were issued within 54 to 60 days after all briefs were received.

By law, proponents have an 18 month window to seek and obtain ballot titles for their initiatives. All three branches of government are involved in the process.

The role of the Colorado Supreme Court in the process is to consider and rule on appeals of decisions of the title setting board. The court's role is defined by Colorado statute.

Originally, state law allowed challenges based on clarity or fairness of a title set by the Title Board. In 1994, voters passed a referendum that required all initiatives or referenda to be confined to one subject (the single subject requirement). This became an additional criterion for title challenge.

State law does not allow the Colorado Supreme Court discretion in reviewing appeals of title board decisions. The court must consider and decide each ballot title appeal.

More information about Colorado's ballot initiative process is available on the Colorado Judicial Branch website at <http://www.courts.state.co.us/exec/pubed/initiatives/generalinfo.htm>, including:

- A list of ballot initiatives appealed to the Colorado Supreme Court in 2006, with complete court documents in each appeal.
- A link to the Colorado Secretary of State's website list of initiatives that have not been challenged before the Colorado Supreme Court.
- A link to the Colorado Legislative Council's website explanation of steps in the initiative process; and
- Highlights of the initiative process in Colorado since the enabling constitutional amendment was passed in 1910.

**Colorado Supreme Court  
Ballot Title Challenge Cases 2004 - 2006**

Case Number	Ballot Numbers	Date Petition Filed	Date Order Entered	Number of Days for Schedule, Briefing and Submission to the Court	Number of Days for Court to Decide Case	Total Days	How Case Was Resolved
04SA58	76, 78	2/20/04	4/15/04	48	7	55	Affirmed without opinion
04SA65	73, 77, 79	2/23/04	3/4/04	5	5	10	Motion to dismiss was granted
04SA95	88	3/24/04	5/6/04	37	6	43	Affirmed without opinion
04SA115	97	4/9/04	6/10/04	55	7	62	Affirmed without opinion
04SA129	110, 118	4/27/04	6/24/04	51	7	58	Affirmed without opinion
04SA130	108	4/28/04	6/10/04	36	7	43	Affirmed without opinion
04SA132	100	4/28/04	6/17/04	43	7	50	Affirmed without opinion
04SA142	126, 137	5/12/04	6/10/04	22	7	29	Affirmed without opinion
04SA143	139	5/12/04	6/3/04	15	7	22	Affirmed without opinion
04SA151	94	5/24/04	6/24/04	24	7	31	Affirmed without opinion
04SA152	93	5/24/04	6/24/04	24	7	31	Affirmed without opinion
04SA153	92	5/24/04	6/24/04	24	7	31	Affirmed without opinion
04SA154	91	5/24/04	6/24/04	24	7	31	Affirmed without opinion
04SA155	90	5/24/04	6/24/04	24	7	31	Affirmed without opinion
04SA158	145	5/26/04	6/17/04	15	7	22	Affirmed without opinion
04SA160	151	5/26/04	6/24/04	23	6	29	Affirmed without opinion
04SA159	124	5/26/04	6/10/04	13	2	15	Motions to withdraw and dismiss granted
04SA167	163	6/1/04	6/24/04	17	6	23	Affirmed without opinion
04SA168	160	6/1/04	6/24/04	17	6	23	Affirmed without opinion
04SA169	155	6/2/04	6/24/04	16	6	22	Affirmed without opinion
04SA176	164	6/4/04	7/1/04	19	8	27	Affirmed without opinion
04SA177	165	6/4/04	7/1/04	19	8	27	Affirmed without opinion
05SA45	3	2/9/05	3/3/05	17	5	22	Motion to withdraw petition granted
05SA57	5	2/22/05	4/28/05	59	6	65	Affirmed without opinion
06SA20	55	1/26/06	6/12/06	77	60	137	Written opinion issued; dissenting opinion included
06SA41	74	2/7/06	5/30/06	58	54	112	Written opinion issued; dissenting opinion included
06SA42	73	2/7/06	5/30/06	58	54	112	Written opinion issued; dissenting opinion included
06SA63	75	2/22/06	5/22/06	64	25	89	Written opinion issued
06SA73	76	3/8/06	5/15/06	56	12	68	Affirmed without opinion
06SA113	86	4/12/06	6/8/06	54	3	57	Affirmed without opinion
06SA131	90	4/26/06	5/25/06	23	6	29	Affirmed without opinion
06SA140	95	5/8/06	6/8/06	29	2	31	Affirmed without opinion
06SA144	82	5/10/06	6/16/06	35	2	37	Affirmed without opinion
06SA165 & 06SA166	122, 123	5/30/06	6/16/06	15	2	17	Affirmed without opinion
06SA167	125	5/30/06	6/16/06	13	4	17	Affirmed without opinion
06SA169	126	5/30/06	6/19/06	19	1	20	Motion to dismiss granted
06SA172	109	6/1/06	6/16/06	11	4	15	Affirmed without opinion