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media alert

Colorado Judicial Branch
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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 |