

Colorado Supreme Court
2 E. 14th Avenue
Denver CO 80203

FILED IN THE
~~COURT~~
DATE FILED: December 22, 2014
STATE OF COLORADO

Petitioner:

DEC 19 2014

Natalie Menten and Mike Spalding,

FILED IN THE Appeals
SUPREME COURT.

v.

DEC 19 2014

Respondent:

OF THE STATE OF COLORADO
Christopher T. Ryan, Clerk

State of Colorado Title-Setting Board;
Secretary of State; State of Colorado.

Supreme Court Case No.

145A379

PETITION for REVIEW OF TITLE-SETTING HEARING

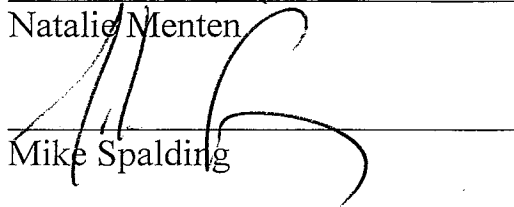
Petitioner requests this court review the failure of respondent to set a title on the recall petition draft attached here as an exhibit. This petition for review is being filed within the time for filing this petition after the rehearing held on December 17, 2014.

Petitioner requests that this court accept this petition for review. The exhibit was furnished by the secretary of state's office and is included here. The filing fee is tendered with this petition.

Submitted,



Natalie Menten


Mike Spalding

Mail to:

Natalie Menten
1755 S. Carr Street
Lakewood CO 80232
303-647-8900

nmlakewood@gmail.com

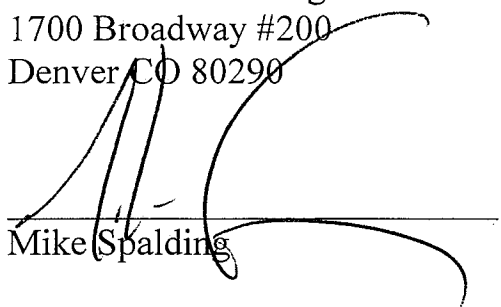
Mike Spalding
18 Buckthorn Dr.
Littleton, CO 80127

mbspalding@aol.com

Certificate of Service

I certify that I hand-delivered this PETITION FOR REVIEW, on December 19, 2014 to:

Secretary of State Scott Gessler
Head of Title-Setting Board
1700 Broadway #200
Denver CO 80290


Mike Spalding



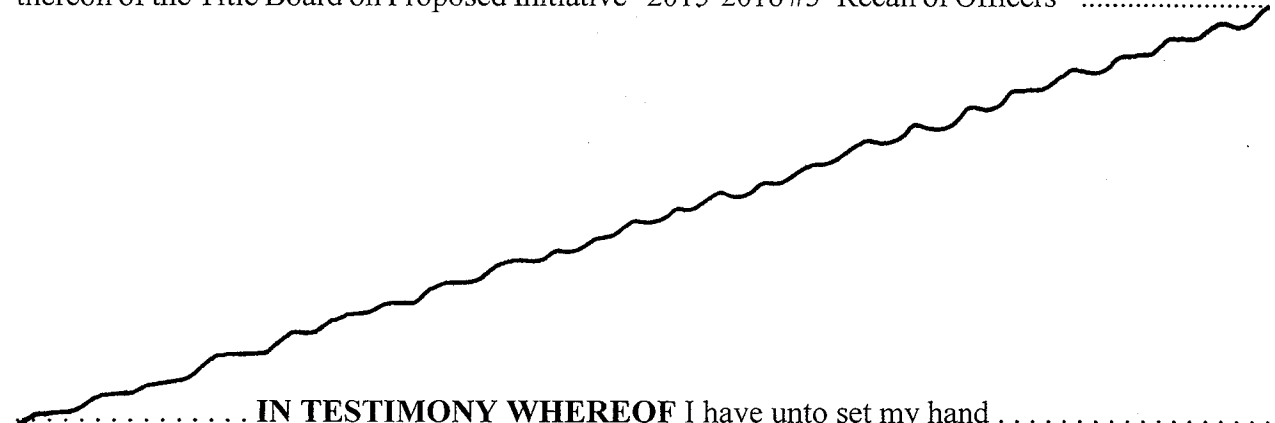
STATE OF COLORADO

DEPARTMENT OF
STATE

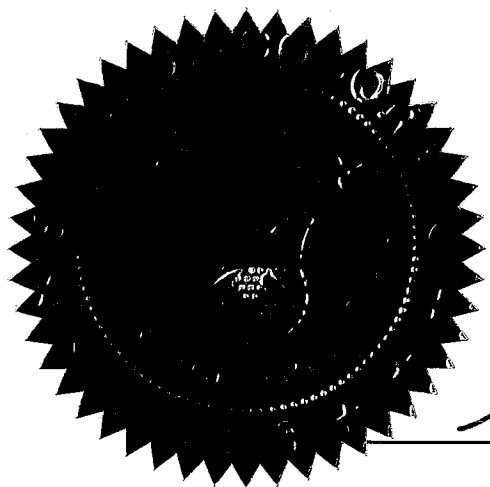
CERTIFICATE

I, **SCOTT GESSLER**, Secretary of State of the State of Colorado, do hereby certify that:

the attached are true and exact copies of the filed text, motion for rehearing, titles, and the rulings thereon of the Title Board on Proposed Initiative "2015-2016 #5 'Recall of Officers'"



..... **IN TESTIMONY WHEREOF** I have unto set my hand
and affixed the Great Seal of the State of Colorado, at the
City of Denver this 18th day of December, 2014.



A handwritten signature in cursive script, reading "Scott Gessler".

SECRETARY OF STATE

Ballot Title Setting Board

Proposed Initiative 2015-2016 #5¹

Hearing December 3, 2014:

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

Hearing adjourned 1:38 p.m.

Rehearing December 17, 2014:

Motion for Rehearing denied.

Hearing adjourned 1:15 p.m.

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

December 9, 2014

To: Ballot Title Setting Board

RECEIVED SWARD
DEC 09 2014 11:22 A.M.

Colorado Secretary of State

We are requesting a re-hearing for Proposed Ballot Initiative #5 2015-2016.

We believe we were erroneously denied a title setting and that our initiative constitutes a single subject.

Petition Representatives:

Natalie Menten
1755 S. Carr St.
Lakewood, CO 80232

Mike Spalding
18 Buckthorn
Littleton, CO 80127

Ballot Title Setting Board

Proposed Initiative 2015-2016 #5¹

Hearing December 3, 2014:

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

Hearing adjourned 1:38 p.m.

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

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

S. WARD
9:13 A.M.

RECEIVED

OCT 24 2014

Article XXI of the Colorado Constitution is repealed and re-enacted as follows:

Article XXI. RECALL FROM OFFICE.

Colorado Secretary of State

Section 1. Eligibility. Elective officers in any state or local legislative, executive, or judicial office are eligible for recall. The purpose of this article is to increase public accountability of public officers.

Section 2. Procedures. (1) Any four registered electors in the recall area may file at any time signed requests to recall eligible officers. Legislative, council, court, and other local election districts shall be the recall area for their officers. Statewide recalls shall be held by the secretary of state and local recalls by the election office of any county, or city and county, in the recall area, except the governor shall select another office or court in two days when an election or judicial officer is named for recall.

(2) Election offices shall deliver a sample petition section within two days. Each black ink section shall contain 100 entry lines, 20 per 8 1/2" by 14" page in portrait layout; the affidavit required in 2006 for state initiatives; and the question, "Shall (names of officers) be recalled as (titles and government)?" No government agent shall detain, stop, cite, or arrest petition circulators or signers for, while, or related to peaceably petitioning, but petition-based perjury, forgery, and other felony frauds shall be prosecuted.

(3) Statewide petition entries shall be first filed within 180 days of sample section delivery, and local entries within 90 days. One 30-day extension to file added entries signed at any time shall start when a first report of invalidity is issued by the later of the election office or court. Added entries shall be reviewed similarly.

(4) The required number of valid petition entries shall be the lesser of 5% of active registered electors in the recall area or 100,000 such entries. Signers shall be registered electors in the recall area. Entry lines shall require only signature, printed name, residential address, and city or town. No error, use, or lack of minor details like middle name, common nickname, initials, street type or direction, apartment, or postal code shall void entries. No sample section or affidavit error shall void entries. Entries shall be reviewed individually, with no random or statistical sampling or machine reading. Varied entries with a signature, readable first and last name and street address, and attached affidavit with or without errors shall be presumed valid until the officer disproves validity by clear and convincing evidence in a court review.

(5) Within 15 days of filings, the election office shall count, review, itemize, and report entries for validity. Within five days of the report, only recall filers and the officer may each protest without fee to the supreme court for its new review of disputed entries. A report of that validity review shall issue within 30 days of the protest filing. Only recall filers prevailing in a protest shall receive attorney fees and costs.

(6) Local elections on eligible officers shall occur on a Tuesday within 60 days after final validation, and statewide elections on the first November election date at least 60 days after. Ballots shall repeat the question for each officer, list "Yes" and "No" choices, and list one website from each side. Death, resignation, or announced retirement shall stop recalls but not pending successor petitions or elections.

(7) Ballots shall then list eligible successors and one website from each. The officer is ineligible. The required number of valid successor petition entries shall be the lesser of 0.5% of active registered electors in the recall area or 10,000 such entries. Entries shall be first filed by 90 days before the election. Successor entry validation and extension time shall be 20% of that time for recall entries. Otherwise, relevant petition procedures in section 2 (2) to section 2 (5) shall apply to successor petitions.

(8) Recalled officers shall lose their offices at once. If no successor be elected, local successors shall be elected similarly within 120 days, and statewide successors the next November. Runoff elections are

prohibited. Interim replacement of governor and mayors only shall occur. Successors are ineligible for a recall election for that office for two years.

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(3) To enforce this article unrelated to specific petition validity, any adult citizen may file a court case in any district court, and the case shall be decided within 30 days. Direct appeals shall be filed within 10 days to the supreme court and shall be decided within 60 days. Only successful plaintiffs enforcing this article shall be awarded their costs, attorney fees, and damages, and only against governments and officers. Added recall requirements or any local recall laws are prohibited. This article shall be self-executing, severable, and effective upon passage. It shall be interpreted strictly in favor of this fundamental right to petition for recall and succession, and against governments and officers. It shall supersede any conflicting state or local constitutional, statutory, charter, ordinance, or other law, prior opinion, rule, regulation, or legal provision.

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

S.WARD 9:13 A.M.

RECEIVED

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OCT 24 2014

Article XXI. RECALL FROM OFFICE.

Colorado Secretary of State

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RECEIVED

S. WARD

OCT 24 2014

9:13 A.M.

2015-2016 #5

Colorado Secretary of State

ORIGINAL

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Petition representatives:

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1755 S. Carr St.
Lakewood, CO 80232

Mike Spalding
18 Buckthorn Dr.
Littleton, CO 80127