

<p>SUPREME COURT OF COLORADO 2 East 14th Ave. Denver, CO 80203</p> <hr/> <p>Original Proceeding Pursuant to Colo. Rev. Stat. § 1-40-107(2) Appeal from the Ballot Title Board</p> <hr/> <p>In the Matter of the Title, Ballot Title, and Submission Clause for Proposed Initiative 2019-2020 #315 (“Tobacco Tax Revenue for New State Preschool Program”)</p> <p><b>Petitioner: Anna Jo Haynes</b></p> <p>v.</p> <p><b>Respondents: Monica Vondruska and Jon Caldara</b></p> <p><b>and</b></p> <p><b>Title Board: Theresa Conley, David Powell, and Julie Pelegrin</b></p>	<p>▲ COURT USE ONLY ▲</p>
<p>Attorney for Petitioner:</p> <p>Mark G. Grueskin, #14621 Recht Kornfeld, P.C. 1600 Stout Street, Suite 1400 Denver, Colorado 80202 303-573-1900 (telephone) 303-446-9400 (facsimile) <a href="mailto:mark@rklawpc.com">mark@rklawpc.com</a></p>	<p><b>Case No. 2020SA000154</b></p>
<p><b>PETITIONER’S NOTICE OF SUPPLEMENTAL AUTHORITY ON PROPOSED INITIATIVE 2019-2020 #315 (“TOBACCO TAX REVENUE FOR NEW STATE PRESCHOOL PROGRAM”)</b></p>	

1. The Colorado Secretary of State issued emergency regulations on May 30, 2020, regarding initiative petition circulation.
2. This amended rule is pertinent to Petitioner's argument in her Answer Brief (pp. 24-25) (filed May 29, 2020) concerning the Governor's Executive Order D 2020 65.
3. That Executive Order suspended a number of initiative statutes including the requirement that a ballot measure's text be included in every petition packet.
4. The Executive Order also directed the Secretary to adopt rules to address this suspended statute.
5. New Rule 15.9.6(c)(1)(F)(ii) requires that petition signers whose signatures are obtained via mailed or emailed signature forms have an internet link to or a physical copy of the ballot measure's text.
6. The Secretary's Amended Rule 15 (8 CCR 1505-1) is attached and viewable at [https://www.sos.state.co.us/pubs/rule\\_making/CurrentRules/8CCR1505-1/Rule15.pdf](https://www.sos.state.co.us/pubs/rule_making/CurrentRules/8CCR1505-1/Rule15.pdf).

Respectfully submitted this 1<sup>st</sup> day of June, 2020.

*/s/ Mark G. Grueskin*

Mark G. Grueskin, #14621

RECHT KORNFELD, P.C.

1600 Stout Street, Suite 1400

Denver, CO 80202

Phone: 303-573-1900

Facsimile: 303-446-9400

Email: [mark@rklawpc.com](mailto:mark@rklawpc.com)

**ATTORNEY FOR PETITIONER**

**CERTIFICATE OF SERVICE**

I, Erin Holweger, hereby affirm that a true and accurate copy of the **PETITIONER’S NOTICE OF SUPPLEMENTAL AUTHORITY ON PROPOSED INITIATIVE 2019-2020 #315 (“TOBACCO TAX REVENUE FOR NEW STATE PRESCHOOL PROGRAM”)** was sent electronically via CCEF this day, June 1, 2020, to the following:

Counsel for the Title Board:  
Michael Kotlarczyk  
Office of the Attorney General  
1300 Broadway, 6th Floor  
Denver, CO 80203

Counsel for the Proponents:  
William Hobbs  
Benjamin J. Larson  
Ireland Stapleton Pryor & Pascoe, PC  
717 17th Street, Suite 2800  
Denver, CO 80202

And sent Via E-Mail to:  
Shayne Madsen  
Independence Institute  
727 E. 16<sup>th</sup> Avenue  
Denver, CO 80203  
[smadsen@colawyer.net](mailto:smadsen@colawyer.net)

*/s Erin Holweger*

---

**Rule 15. Preparation, Filing, and Verification of Petitions**

15.1 The following requirements apply to candidate, statewide initiative, recall, and referendum petitions, unless otherwise specified. DATE FILED: June 1, 2020 5:30 PM

**15.1.1 Petition template for state petitions**

- (a) Petition proponents must use the Secretary of State's fillable .pdf petition template to create their petition format.
- (b) After approval of the petition format as to form, proponents must print all petition sections in accordance with the Secretary of State's petition-printing guidelines.
- (c) Any signature affixed to a petition section that does not conform to the requirements of this Rule 15.1.1 is not valid.
- (d) An unaffiliated candidate for the office of President of the United States who is submitting a petition for nomination under Section 1-4-802, C.R.S. must include on the petition the names of registered electors the candidate is nominating as their presidential electors.

15.1.2 The Secretary of State or DEO will not accept or count additional signatures after proponents file the original petition or addendum.

**15.1.3 Circulator affidavit**

- (a) If a petition section does not have a completed circulator affidavit, the Secretary of State or DEO will reject the entire section.
- (b) If a petition section does not have a completed notary clause, or if the date of the notary clause differs from the date the circulator signed the affidavit, the Secretary of State or DEO will reject the entire section.
- (c) If a state candidate is curing a circulator affidavit under section 1-4-912(2), C.R.S., the candidate must use the cure affidavit provided by the Secretary of State.

**15.1.4 Verifying individual entries**

- (a) Staff will check each individual entry against the information contained in SCORE.
- (b) Staff will create and maintain a master record of each accepted and rejected entry, along with the reason code for each rejected entry.
- (c) If an entry does not match the signor's current information in SCORE, staff must check the signor's information in SCORE as of the date the signor signed the petition.
- (d) Secretary of State or DEO staff will reject the entry if:
  - (1) The name on the entry is not in SCORE;

- (2) The middle initial or middle name on the entry does not match the middle initial or middle name in SCORE;
  - (3) The address on the entry does not match the address in SCORE;
  - (4) The address on the entry is a post office box;
  - (5) The entry is incomplete;
  - (6) The signer completed the entry before the designated election official approved the petition format;
  - (7) The signer was not an eligible elector at the time he or she completed the entry;
  - (8) The signer completed the entry after the date on the circulator affidavit;
  - (9) Evidence exists that some other person assisted the signer in completing the entry but no statement of assistance accompanies the entry;
  - (10) The name and signature on the entry is illegible and cannot be verified in SCORE;
  - (11) The entry is a duplicate of a previously accepted entry on the same petition; or
  - (12) For a candidate petition where an elector may sign only one petition for the same office, the entry is a duplicate of a previously accepted entry on a previously filed petition for the same office.
  - (13) The signer's information appears outside of a numbered signature block on a petition section.
  - (14) For a candidate petition, the address on the entry does not match the current residential or mailing address for the elector in SCORE.
- (e) Secretary of State or DEO staff will accept the entry if:
- (1) The name on an entry matches or is substantially similar to the information in SCORE, or if the signature on an entry is a common variant of the name;
  - (2) A middle initial or middle name is present on the entry but not in SCORE, or present in SCORE but not on the entry;
  - (3) A name suffix is present on the entry but not in SCORE, or present in SCORE but not on the entry; or
  - (4) The address on the entry is missing an apartment letter or number or a street direction.
  - (5) For a candidate petition, the address provided did not match the current residence address information in SCORE, but did match the current mailing address information in SCORE.

## 15.2 Petition entity license, registration, filing, and circulation

15.2.1 A petition entity that intends to pay petition circulators must obtain a petition entity license, pay a fee, and register with the Secretary of State before circulating petitions. The license application must include:

- (a) The petition entity's name, address, telephone number, and email address;
- (b) The designated agent's name; and
- (c) An affirmation that the designated agent has read and understands Article 4 and Article 40 of Title 1, C.R.S., and has completed the Secretary of State's circulator training program.

15.2.2 Before compensating a circulator, the designated agent must register with the Secretary of State by submitting a signed form that includes a list of the proposed initiatives and/or the candidate or candidate committee's name the petition entity will circulate.

15.2.3 If a petition entity fails to register a proposed initiative or candidate petition over any two-year period, the license expires. The Secretary of State will notify a petition entity that its license has expired within 30 days after the date of expiration.

15.2.4 A petition entity may renew an expired license without a fee by submitting a new license application.

## 15.3 Statewide initiative petition circulation

15.3.1 Petition circulation may begin after the title board's final decision, including disposition of any rehearing motion, after the time for filing a rehearing motion, and after the Secretary of State has approved the petition format. If an appeal is filed with the Supreme Court, the six-month period specified in section 1-40-108(1), C.R.S., begins on the date the petition is first signed or on the date the Supreme Court's decision becomes final, whichever is first. Signatures gathered outside of this period are invalid.

15.3.2 The petition circulator must provide a permanent residence address on the circulator affidavit. If the circulator is not a permanent Colorado resident, the circulator must also provide the Colorado address where he or she temporarily lives.

- (a) For purposes of Article 40 of Title 1, C.R.S., and this Rule, a circulator's permanent "residence" or "domicile" means his or her principal or primary home or place of abode in which a circulator's habitation is fixed and to which the circulator, whenever absent, has the present intention of returning after a departure or absence, regardless of the duration of the absence. A permanent "residence" or "domicile" is a permanent building or part of a building and may include a house, condominium, apartment, room in house, or mobile home. Except as provided in paragraph (b) of this Rule, a vacant lot, business address, or post office box is not a permanent "residence" or "domicile". (Sections 1-2-102(1)(a)(i) and 1-40-121(1)(b), C.R.S.)
- (b) A homeless circulator must provide the address or location where he or she is living the date the affidavit is signed. The circulator must provide a physical location; a post office box may not be provided.

- (c) For the purposes of sections 1-40-106(4)(b), 1-40-111(3)(a), 1-40-121(2)(a), and 1-40-135(2)(c), C.R.S., a circulator's permanent residence address that does not comply with this Rule 15.4.2 is a "false address".

15.3.3 Proponents may file a petition or addendum only once, and may not supplement additional signatures after filing the petition or addendum, even if the additional signatures are offered before the deadline to submit the original petition or addendum.

#### 15.4 Statewide initiative petition receipt by Secretary of State

15.4.1 The Secretary of State will not accept a petition that lists proponents other than those authorized by law.

15.4.2 Upon receipt of a petition, Secretary of State staff will consecutively number petition sections.

15.4.3 Staff will inspect each petition section for evidence of disassembly. If it appears that the section was disassembled, the Secretary of State will reject all signatures in the section.

15.4.4 Staff will consecutively number each line on each petition section. For purposes of this Rule, "line" means the block of information that contains the last name, first name, middle initial, county, signing date, street address, city, and signature of a petition signer.

15.4.5 If the number of lines is less than the number of signatures required to certify the measure to the ballot, the Secretary of State will issue a statement of insufficiency.

15.4.6 Staff will count each line with writing on each petition section. For purposes of this Rule, an "entry" means a counted line with writing. At the bottom of each page, staff will write the number of entries on that page and, on the face of each petition section, staff will write the total number entries for that section.

- (a) Staff will not count blank or completely crossed-out lines.

- (b) Staff will count a line with incomplete writing, a partial cross out, or with what appears on its face to be an invalid signature as an entry.

#### 15.5 Statewide initiative petition verification

15.5.1 Verification by random sample.

- (a) Staff will create a record for each entry on the petition and tally the total number of entries.

- (b) The database will generate a series of random numbers equal to 4,000 signatures or five percent of the total number of signatures, whichever is greater. Staff will check the validity of the random signatures in accordance with this Rule. Staff will maintain a master record of each accepted and rejected entry, along with the reason code for each rejected entry.

#### 15.6 Curing insufficient statewide initiative petitions

15.6.1 If petition proponents submit additional signatures within the permitted time, Secretary of State staff will verify the additional signatures in accordance with this Rule 15.



- 15.6.2 If the Secretary of State found the original submission insufficient based on the random sample verification, staff will add the number of additional valid signatures to the number of projected valid signatures in the original submission.
- (a) If the new projected number of valid signatures equals 110% or more of the required signatures, the Secretary of State will issue a statement of sufficiency.
  - (b) If the new projected number of valid signatures equals more than 90% but less than 110% of the required signatures, staff will verify all previously submitted signatures. Staff will add the total number of valid signatures in the original petition to the number of additional valid signatures submitted in the addendum in order to determine sufficiency.
- 15.6.3 If the initial verification was of every signature, staff will add the number of additional valid signatures to the number of valid signatures in the original submission in order to determine sufficiency.
- 15.6.4 Staff will issue a new statement of insufficiency or sufficiency that reports the total number of valid signatures submitted.
- 15.7 Signature verification on state candidate and recall petitions
- 15.7.1 The Secretary of State will compare the signature on each petition entry with the elector's signature in SCORE in accordance with the Secretary of State's Signature Verification Guide. The Secretary of State may use an automated signature verification device.
- (a) If the signatures match and the entry is otherwise valid, the Secretary of State must accept the entry.
  - (b) If upon initial review the signatures do not match, The Secretary of State must conduct further review of the entry. A team of two staff members who are not affiliated with the same political party must review the signatures, conduct additional research in SCORE if necessary, and, unless both staff members agree that the signatures do not match, accept the entry if it is otherwise valid.
- 15.8 Referendum petitions
- 15.8.1 This Rule applies to statewide referendum petitions under Article V, Section 1 (3) of the Colorado Constitution.
- 15.8.2 Except where this Rule states otherwise, any statutory or constitutional provision that applies specifically to initiative petitions also applies to referendum petitions.
- 15.8.3 Proponents may submit a referendum petition to the Secretary of State for approval at any time after the General Assembly has passed the bill. The Secretary of State will not issue final approval of the referendum petition form until the bill has become law under Article IV, Section 11 of the Colorado Constitution.
- 15.8.4 Each referendum petition section must consist of the following, in the order listed:
- (a) The warning as specified in section 1-40-110, C.R.S.
  - (b) The heading "Referendum Petition," followed by the demand upon the Secretary of State in substantially the following form, in which the underlined material is only for example:

"To: The Honorable \_\_\_\_\_, Secretary of State of the State of Colorado

We, the undersigned electors of the State of Colorado, do hereby respectfully petition, order, and demand that Sections 1 to 12, inclusive (being the entire Act), of House Bill No. 02-1010, by Representatives Abel, Baker, and Cain, and Senators Smith, Thomas, and Jones, entitled "Concerning registration requirements for motor vehicles, and, in connection therewith, authorizing two- and five-year registration periods and authorizing discretionary vehicle identification number inspections, and making an appropriation", passed by the Sixty-third General Assembly of the State of Colorado, at its regular session in the year 2002, shall be submitted to the voters for their adoption or rejection at the next biennial regular general election, to be held on Tuesday, the 5th day of November, 2002, and each of the signers of this petition says:

I sign this petition in my own proper person only, and I am a registered elector of the State of Colorado, my residence address and the date of my signing this petition are correctly written immediately after my name, and I do hereby designate the following persons to represent me in all matters affecting this petition:"

- (c) The name and mailing address of two persons who are designated to represent the signers thereof in all matters.
- (d) The ballot title and submission clause.
- (e) The text of the Act, or the item, section, or part of the Act, on which the referendum is demanded.
- (f) Succeeding pages that each contain the warning, the ballot title, and submission clause, and ruled lines numbered consecutively for signatures.
- (g) A final page that contains the circulator's affidavit required by section 1-40-111(2), C.R.S.

15.8.5 A referendum petition section must include only the matters required by Article 40, Title 1, C.R.S., and this Rule, and no extraneous material.

15.8.6 The ballot title must consist of the title of the act on which the referendum is demanded, followed by the bill number, in substantially the following form, in which the underlined material is only for example:

"An Act concerning registration requirements for motor vehicles, and, in connection therewith, authorizing two- and five-year registration periods and authorizing discretionary vehicle identification number inspections, and making an appropriation, being House Bill No. 02-1010."

15.8.7 When referendum is demanded on less than an entire Act of the General Assembly, the ballot title and submission clause must consist of the ballot title preceded by words in substantially the following form, in which the underscored material is only for example, and ending in a question mark:

"Shall Section 3 (concerning definition of terms) and Section 4 (eliminating licensing requirements for motor vehicle dealers) of the following Act of the General Assembly be approved?" The material in parentheses shall correctly and fairly summarize the subject

or the effect of the portion of the Act referenced.

15.9 Circulation of petitions via mail or email

15.9.1 For the purposes of this Rule 15.9, the following definitions apply:

- (a) "Audio visual communication" means communication by which an individual is able to see, hear, and communicate with a remotely located individual in real time using electronic means.
- (b) "Collector" means an individual designated by a proponent to collect signer forms returned by eligible electors. Each collector must be:
  - (1) At least 18 years old; and
  - (2) A citizen of the United States.
- (c) "Proponent" means the designated representatives of a ballot issue or the unaffiliated or independent candidate circulating petitions in accordance with this rule.
- (d) "Real time" or "in real time" means, with respect to an interaction between individuals by means of audio-video communication, that the individuals can see and hear each other substantially simultaneously and without interruption or disconnection. Delays of a few seconds that are inherent in the method of communication do not prevent the interaction from being considered to have occurred in real time.
- (e) "Signer form" means the form that will be sent by a proponent to an eligible elector via mail or email which may be signed by an elector and returned to the proponent.
- (f) "Transcriber" means an individual designated by a proponent to transcribe the information found on a signer form onto a petition section. Each transcriber must be:
  - (1) At least 18 years old; and
  - (2) A citizen of the United States.

15.9.2 Rule 15.9 applies only to unaffiliated or independent candidates or ballot initiatives whose initial period of circulation has not expired.

15.9.3 In the event that this Rule 15.9 conflicts with any other rule, the provisions of this rule apply.

15.9.4 Proponents may continue to circulate petitions in-person following the procedures otherwise outlined in Rule 15.

15.9.5 Proponents who wish to circulate petitions following the procedures set in this Rule 15.9 may do so while also circulating petitions in person.

15.9.6 Application to circulate by email or mail

- (a) Proponents who wish to circulate via mail or email must notify the Secretary of State by sending an email to [ballot.access@sos.state.co.us](mailto:ballot.access@sos.state.co.us) that they intend to do so.
- (b) Petition template for state petitions circulated via mail or email
  - (1) Upon receipt of a request to circulate via mail or email the Secretary of State will create a separate fillable .pdf petition template for use when circulating under this rule.
  - (2) Petition proponents must use the Secretary of State's fillable .pdf petition template to create their petition format.
  - (3) After approval of the petition format as to form, proponents must print all petition sections in accordance with the Secretary of State's petition-printing guidelines.
  - (4) Any information appearing on a petition section that does not conform to the requirements of this Rule 15.9.6 is not valid.
- (c) Signer form template for state petitions circulated via mail or email
  - (1) Proponents who intend to circulate via mail or email must submit their proposed signer form to the Secretary of State for review. The signer form must include space for:
    - (A) The signer's name;
    - (B) The signer's residence address;
    - (C) The signer's signature;
    - (D) The date of signature; and
    - (E) For signer forms for candidates:
      - (i) The name of the candidate;
      - (ii) The office the candidate seeks;
      - (iii) The candidate's affiliation or party name, if applicable; and
      - (iv) A statement that the signer acknowledges, under penalty of perjury, that by signing this form they:
        - (I) Will be 18 years of age by the date of the next general election;
        - (II) Are registered or preregistered to vote in the State of Colorado;
        - (III) Want the candidate to appear on the 2020 general election ballot; and

- (IV) Have not signed any other petition for any other candidate for the same office.
- (F) For signer forms for ballot initiatives:
- (i) The ballot title;
  - (ii) Directions for how the signer may view the full text of the measure and the fiscal impact statement. This may include:
    - (I) For proponents circulating by email, by including a direct link to both the initiative and fiscal impact statement found on the Colorado Secretary of State's website;
    - (II) For proponents circulating by mail, by including a direct link to both the initiative and fiscal impact statement found on the Colorado Secretary of State's website. Proponents including a direct link in a mailing must also provide a signer with the option to request a printed copy of the full text of the measure and fiscal and instructions about how to do so;
    - (III) By including both as an attachment to an email; or
    - (IV) By including both as a physical copy in a mailing.
  - (iii) A witness name and signature; and
  - (iv) A statement that the signer acknowledges, under penalty of perjury, that by signing this form they:
    - (I) Are at least 18 years of age;
    - (II) Are registered to vote in the State of Colorado; and
    - (III) They want the measure to appear on the 2020 general election ballot.
- (2) Upon receipt of the signer form, the Secretary of State will review to determine if the requirements of this rule have been met. Proponents may not begin circulation by email or mail until both the petition format and signer form have been approved by the Secretary of State.
- (3) Any information appearing on a signer form that does not conform to the requirements of this Rule 15.9.6 is not valid.

#### 15.9.7 Circulation by mail or email

- (a) In addition to circulating a petition format by hand, proponents who have had their petition format and signer form approved by the Secretary of State may send the signer form by mail or email to registered electors. Notwithstanding the prohibition of providing a thing of value to someone who signs a petition found in sections 1-13-401, and 1-40-111, C.R.S., a proponent may include a pre-paid return envelope in any mailing.
- (b) Registered electors must complete all required fields in the form and include a wet signature. Forms returned lacking any required field or wet signature are not valid. Images of a form that include all required fields and a wet signature may be accepted by proponents.
- (c) Any person, except a collector, may assist an elector in filling out a signer form by following the procedures set forth in section 1-4-904(4), C.R.S. for candidate petitions or section 1-40-111(1), C.R.S. for ballot initiatives. A person who assists an elector under this rule may not also witness a signer form for a ballot initiative.
- (d) For ballot initiatives, a signer form must be witnessed by any registered elector in the State of Colorado either in person or remotely following the requirements of this rule.
  - (1) A signer form may be witnessed by a registered elector who is not physically present with the signer if the witness uses a form of audio visual communication that allows the witness to view, in real time, the registered elector completing and signing the signer form.
  - (2) If a signer form is being witnessed remotely, then the signer, upon completing the form and applying a wet signature, must transmit a legible copy of the form by fax, email, or other electronic means directly to the witness on the same date the signer signed the form. The witness must print the form, apply a wet signature to the witness attestation, indicate on the form that the form was witnessed remotely, and transmit a legible copy of the form by fax, email, or other electronic means directly back to the signer. For collectors acting as witnesses, the collector must send a copy of the final signed form back to the signer, and may keep a signed copy for transcribing by the proponents.
- (e) For ballot initiatives, a witness must attest that, under the penalty of perjury, to the best of the witness' knowledge and belief:
  - (1) The signature on the form is the signature of the person whose name it purports to be;
  - (2) The person signing the form was, at the time of signing, a registered elector; and
  - (3) If the witness viewed the signer completing the form using audio visual communication, the witness was able to view, in real time, the eligible elector completing and signing the signer form.
- (f) Once a signer form has been completely filled out, the registered elector must return the form to the proponent by mail or electronic delivery.

#### 15.9.8 Collection of signer forms

- (a) Each proponent must designate at least one person to act as a collector for petitions circulated by mail or email.
- (b) Upon receipt of a signer form, a collector must compile signer forms to be transcribed onto a single petition section.
- (c) Before the signer forms are given to a transcriber to be transcribed onto a petition section, a collector must sign and notarize the collector affidavit for that section.
- (d) The collector affidavit may be notarized in the physical presence of a notary public or remotely from a notary public.
  - (1) Notwithstanding Rule 5.2.2(a) of the remote notary rule found at 8 CCR 1505-11, temporarily adopted on March 30, 2020, A collector affidavit notarized remotely must follow the procedures outlined in those rules except:
    - (i) The original affidavit must be physically sent to the remote notary for notarization and the original returned to the collector following notarization; and
    - (ii) Upon receipt, the notary must affix the date on which the notary witnessed the collector signing the affidavit.
  - (2) In the event that remote notarization is no longer allowed either through executive order or under the law, a collector affidavit may only be notarized in the physical presence of a notary public.

#### 15.9.9 Transcribing signer forms onto petition sections

- (a) Each proponent must designate at least one person to act as a transcriber for petitions circulated by mail or email. A person may be designated to serve as both a transcriber and a collector.
- (b) Once a collector affidavit that is attached to a petition section has been signed and notarized by a collector, a transcriber may begin transcribing the information found on a signer form onto the petition section assigned by the collector.
  - (1) A transcriber must not change, correct, or add information when copying the signer information onto the petition section.
  - (2) A transcriber must write down all legible characters from the signer card into the appropriate fields on the petition. If an entire field on the signer card is illegible, the transcriber should write "ILLEGIBLE" in the corresponding petition field.
  - (3) If, upon review of the signer form, the transcriber finds that the voter or witness failed to sign the signer form, the transcriber must not transcribe the signer's information onto the petition.
  - (4) If, while transcribing, a transcriber makes an error, the transcriber must make a line through the signature line and record the information on the next blank signer line.

- (5) A transcriber must not fill in the signature on the petition section.
  - (6) A transcriber must transcribe onto a petition section any written information included on a signer form indicating that an elector has been given assistance when filling out the signer form.
  - (7) A transcriber must write on the signer form the petition section number and line that the signer form information has been transcribed onto.
- (c) Once all the signer forms have been transcribed on a petition section, the transcriber must bundle the signer forms and label the bundle with the corresponding section number. Transcribers must set aside for later submission to the Secretary of State any signer forms that were not transcribed because they were not signed by the elector or witness.
  - (d) Once a transcriber has completed transcription of any section, the transcriber must sign the transcriber affidavit for that petition section. Any section submitted without a signed transcriber affidavit will not be accepted by the Secretary of State.

#### 15.9.10 Submission to the Secretary of State

- (a) Unless otherwise specified in this rule, the Secretary of State will receive petitions submitted in accordance with Election Rule 15.
- (b) Upon submission, proponent must indicate and separate those sections that were circulated in person and those sections that were circulated by mail or email.
- (c) At the time of submission, proponents must also submit to the Secretary of State each signer form received from a voter. The signer forms must be bundled and labeled with the corresponding section number on which they were transcribed. Signer forms that were received by the proponents but not transcribed should be separately bundled and labeled "NOT TRANSCRIBED".
- (d) When submitting information required under section 1-4-905(5), C.R.S. for candidates and sections 1-40-111(4) and 1-40-121(2), C.R.S. for ballot initiatives, proponents must include the names and address of any collectors and transcribers and the sections they collected or transcribed.
- (e) Proponents of a ballot initiative circulating under this rule must submit their original petitions and any cure under Section 1-40-117(3)(b), C.R.S. no later than August 3, 2020.
- (f) Proponents of an unaffiliated or independent candidate circulating under this rule must submit their petitions no later than July 27, 2020.
- (g) Proponents of a ballot initiative who enter a cure period as defined by section 1-40-117 (3)(b), C.R.S. must submit their cure no later than 15 days after the statement of insufficiency has been issued.

#### 15.9.11 Processing of petitions by the Secretary of State

- (a) Unless otherwise specified in this rule, the Secretary of State will process petitions submitted in accordance with Election Rule 15.



- (b) Circulator and transcriber affidavit
  - (1) If a petition section circulated by mail or email does not have a completed collector affidavit and transcriber affidavit, the Secretary of State will reject the entire section.
  - (2) If a petition section circulated by mail or email does not have a completed notary clause accompanying the collector affidavit, or if the date of the notary clause differs from the date the collector signed the affidavit, the Secretary of State will reject the entire section.
  - (3) A collector or transcriber affidavit for a candidate petition that is deficient under this rule may be cured in accordance with section 1-4-912(2), C.R.S.
- (c) No line on a petition section that is circulated by mail or email will be rejected because a signature is not present on the petition. Signer forms that do not contain an elector signature or witness signature are invalid, should not be transcribed, and may not be counted.
- (d) The Secretary of State will compare signatures found on an unaffiliated or independent candidate signer form or petition section to signatures found in the statewide voter registration database following the procedures listed in section 1-4-908(1.5), C.R.S.
- (e) The Secretary of State will provide notification of sufficiency or insufficiency to an unaffiliated or independent candidate no later than the deadline to certify ballot content for the 2020 general election.

