

COLORADO SUPREME COURT
2 East 14th Avenue
Denver CO 80203

DATE FILED: February 24, 2021

Original Proceeding Pursuant to
1-40-107 (2) C.R.S. (2018)
Appeal from the Ballot Title Board

In the Matter of the Title, Ballot Title, and
Submission Clause for Proposed Initiatives
2021-2022 #9 (“Petitions”)

Petitioners John Ebel and
Donald Creager
co-proponents

v.

Title Board: Theresa Conley,
David Powell, and Jason Gelender

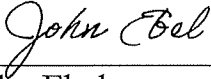
PETITION FOR REVIEW 2021-2022 #9 (“Petitions”)

We cannot afford a lawyer. Please accept this pleading based on the format filed by the Attorney General. We waive filing a reply brief and seek a speedy and complete answer (“summarily” and “promptly” as used in past statutes) by the court. We have enough \$75 filing fees and enough patience to get this right. The right to petition is too important and too threatened to give up, no matter how long a search for the “magic words” takes. We owe this persistence to our fellow citizens.

--co-proponents Ebel and Creager

CERTIFICATE OF COMPLIANCE

I certify this petition for review is under 500 words.



John Ebel

Petitioners John Ebel and Donald Creager petition this court to review and reverse rehearing decisions on February 17, 2021 that denied proper ballot titles for initiatives 2021-2022 #8 through #12 (“Petitions”) on grounds they were not single subjects (#8, #9, and #12) or titles given were too long and padded (#10 and #11). Two virtually identical drafts (2019-2020 #299 and #245) were approved by this court on appeal in May 2020, but opponents delayed the process so long we lacked time to get the 190,000 entries illegally demanded for illegal review by the state before the August 2020 deadline. Now the title board has replaced private opponents in making dilatory objections. We will persevere; we will prevail, even if we must reach again in this cycle numbers 245 or 299.

The legal number of valid entries is 125,000. Article V section 1 (6) says defined entries are presumed valid until proven invalid by a private challenger (not by the state). The viral “pandemic” also prevented our ability to exercise our constitutional rights to petition under the First Amendment of the U. S. Constitution and section 24 of Article II of the Colorado constitution and Article V section 1 of that state constitution. The state and federal constitutions are stronger than any invisible germ, microbe, or virus.

We request this court reverse all rehearing decisions at once, answer our written requests about our treatment under the petition process (see #6 brief), and EITHER remand the case promptly to the Board with a directive to set within two weeks ballot titles that comply with C.R.S. 1-40-106 (3), which directs "...Ballot titles shall be brief...", OR, better yet, set all five ballot titles directly at once. Petitioners offered a ballot title to the Board at rehearing that in 60 words covers all main features of #8-#12:

A change to the Colorado Revised Statutes concerning petitions, allowing petitioning of all Colorado governments; changing procedures; informing voters of petitions; printing pro and con websites; requiring petition titles up to 60 words; limiting bills the general assembly may exempt from possible referendum; allowing laws enacted by petition to be changed only by another petition; and repealing all conflicting statutes.

That is similar to in content and length to last year's title on first hearing for #245. See for comparison our prior Opening Brief citation for #6 filed earlier this year. When asked this week for a flaw in our proposed ballot title, board members were silent.

The question left open at the first hearing on these five drafts was whether the state may sandbag our petition by allowing it to proceed to election in 2022 and then rule our voter-approved petition was illegal from the start because of drafts combining changes in statute and references to their impact on the constitution, or the inclusion of both on one sheet of paper. That bizarre threat must now be unequivocally and finally resolved. Also, the true deadline for filing completed entries must be stated. The constitution does NOT say how long citizens have to collect entries, only how long before the election.

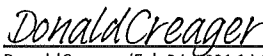
The state has delayed our petition for over three years. Such delay is a large part of

the petition process we are trying to improve. Please order the title board and secretary of state to obey the law and the constitution. We lowly citizens believe we have a right to make this request.

Respectfully submitted on February 24, 2021



John Ebel
13789 Omega Circle
Lone Tree CO 80124
(303) 435-9169
john@realjohnebel.com




Donald Creager (Feb 24, 2021 14:09 MST)
Donald Creager
3056 Newton St.
Denver CO 80211
chip@creagermerc.com

CERTIFICATE OF MAILING

I certify I emailed this Petition for Relief on February 24, 2021 to:

mike.kotlarczyk@coag.gov
Attorney for Title Board

/s/ 

John Ebel

PRA 2021-2022 Sup Court Filing #9

Final Audit Report

2021-02-24

Created:	2021-02-24
By:	John Ebel (john@realjohnebel.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAPEX102Q6fkzUzfbdkzgRwuDJSWdNC02

"PRA 2021-2022 Sup Court Filing #9" History

-  Document created by John Ebel (john@realjohnebel.com)
2021-02-24 - 7:37:36 PM GMT - IP address: 73.203.59.166
-  Document emailed to DonaldCreager (chip@creagermerc.com) for signature
2021-02-24 - 7:37:59 PM GMT
-  Email viewed by DonaldCreager (chip@creagermerc.com)
2021-02-24 - 9:08:55 PM GMT - IP address: 173.164.61.49
-  Document e-signed by DonaldCreager (chip@creagermerc.com)
Signature Date: 2021-02-24 - 9:09:13 PM GMT - Time Source: server- IP address: 173.164.61.49
-  Agreement completed.
2021-02-24 - 9:09:13 PM GMT



STATE OF COLORADO

DEPARTMENT OF
STATE

CERTIFICATE

I, **JENA GRISWOLD**, Secretary of State of the State of Colorado, do hereby certify that:

the attached are true and exact copies of the filed text, fiscal summary, motion for rehearing, and the rulings thereon of the Title Board for Proposed Initiative "2021-2022 #9 'Petitions'".....

.....

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 23rd day of February, 2021.

Jena Griswold

SECRETARY OF STATE



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

Colorado Revised Statutes 1-40-137. **PETITION RIGHTS**

Received
Legislative Council Staff
12/23/2020, 11:40am

Section 1. Procedures. (1) Petition rights shall exist in all districts. Any secretary of state or county election office in the district shall handle any state or local petition. Draft reviews shall be held four days after state initiatives begin. Ballot titles, up to 60 words in plain English, shall be set the next week. All protests of ballot titles, and to enforce the state single subject rule, *which remains in effect*, shall be filed in the supreme court *only*, and *only* two days after setting, and decided six days later. Only timely court decisions may reset ballot titles and remove subjects. Sample petition sections shall be delivered four days later, adapting 1992 forms. Any adult may circulate or file any petition.

(2) Required entries shall be 5% of active district registered electors, up to 120,000 entries at first. Constitutional amendment entries may increase 9,000 every four years and shall remain 50% more than statutory entries. Entry lines list only printed name, signature, registered elector residence address in the district, and town, city, or county. Random or statistical entry sampling is inadmissible. Affidavit defects shall not invalidate entries.

(3) Local entries shall be filed by 180 days, and state entries by 365 days, after sample petition section delivery. In 10 days, neutral election offices shall count and report entries. Two days later, filers and foes may protest in the supreme court only. Reports shall issue 10 days later. Signers shall be presumed truly addressed district registered electors. Invalidity starts one 15-day cure filing period per petition, with two days each for reporting and supreme court filing.

(4) Entries first filed by 92 days before any November election shall apply to ballot issues *on any topics*. Entries first filed later shall apply in the next election. Election notice comments shall always apply. Ballots shall print one filer and one foe website, each listed by August 2. *No petition changes any law; it only gives citizens the Right to Vote.*

Section 2. Referendum petitions. Only nine bills and one budget may be state petition-exempt yearly. Sufficient statutory entries filed by 90 days after the session ends shall further delay effective dates until elections. Ballot titles shall read, "Shall (listed sections of) (bill number) be rejected?" Later bills on rejected topics require voter approval.

Section 3. Definitions. (1) Districts: the state and all local and home rule governments and authorities.

(2) Petitions: initiatives or referenda on legislative policy, except zoning, begun by any two or more adults any time.

Section 4. Enforcement. Except the first sentence of (4)(a), (7.3), and (8), Article V section 1 (2)-(10) and the last sentence of Article X section 20 (3)(b)(v) shall not apply to petitions. Those who stop, detain, eject, cite, or arrest a circulator or signer for petitioning peaceably in public access areas shall be fined \$3,000. *Government hostility to petitions must cease.* Hearings may use telephones; court filings may use email. Changing any voter-approved petition requires voter approval of a petition. This statute shall be self-executing, severable, effective at once, and repeal all conflicting statutes.

Ballot Title Setting Board

Proposed Initiative 2021-2022 #9¹

Hearing February 3, 2021:

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

Hearing adjourned 10:25 a.m.

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

From: [Chip Creager](#)
To: [Steven Ward](#); [John Ebel](#)
Cc: natalie.mullis@state.co.us
Subject: [EXTERNAL] Rehearing
Date: Wednesday, February 10, 2021 2:17:25 PM

Steve

- > We move for rehearings on 2020-2021 #8 through #12 for February 17.
- >
- >
- > #8 and #9 were wrongly denied title as multiple subjects.
- >
- > #10 was too long a title, and we should shorten and correct it.
- >
- > #11 has same objections as #10.
- >
- > #12 has same objections as #10 and #11--also deletions of last two
- >
- > sentences were improper when section 4 said it covered enforcement,
- >
- > which the last two sentences related to.

Chip Creager

Ballot Title Setting Board

Proposed Initiative 2021-2022 #9¹

Hearing February 3, 2021:

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

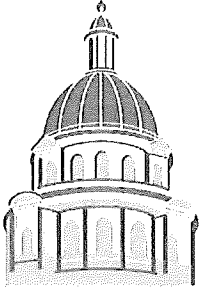
Hearing adjourned 10:25 a.m.

Rehearing February 17, 2021:

Motion for Rehearing denied.

Hearing adjourned 1:51 p.m.

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



Legislative
Council Staff
Nonpartisan Services for Colorado's Legislature

Initiative 9

Fiscal Summary

Date:	February 2, 2021	Fiscal Analyst:	Josh Abram (303-866-3561)
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LCS TITLE: PETITIONS

Fiscal Summary of Initiative 9

This fiscal summary, prepared by the nonpartisan Director of Research of the Legislative Council, contains a preliminary assessment of the measure's fiscal impact. A full fiscal impact statement for this initiative is or will be available at www.ColoradoBlueBook.com. This fiscal summary identifies the following impact.

State revenue. The measure may increase state fine revenue for certain offenses related to impeding the gathering of petition signatures.

State expenditures. The measure may increase state workload and costs if a greater number of statewide petitions are administered by the Secretary of State, and if the state Supreme Court reviews more ballot disputes within newly established deadlines. The measure may also decrease workload and expenses in the legislative branch relating to the initiative process.

Local government impact. Local governments without a petition process are required to establish one, which increases workload and administrative costs. Local governments may also have an increase in costs if a greater number of petitions are submitted.

Economic impacts. While this measure may impact the number and type of citizen-initiative measures proposed or enacted in the future, Initiative 9 itself is not expected to have a direct economic impact on the state.