

S. WARD
2:55 P.M.

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

Article XXI of the Colorado Constitution shall be repealed and re-enacted as follows:

Colorado Secretary of State

Article XXI. PUBLIC ACCOUNTABILITY OF OFFICIALS.

Section 1. Accountability. All state and local legislative and executive elective officials shall also be accountable to voters in the manner stated in this article.

Section 2. Recall. (1) Any two electors in the petition area may file at any time signed requests to start the recall of eligible elective officials. Legislative, council, and other local election districts shall be the petition area of their officials. Statewide recalls shall be conducted by the Secretary of State and local recalls by any county election office in the petition area.

(2) Election offices shall deliver a sample recall 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; an affidavit form usable in 2006 for state initiatives; and the question, "Shall (names of officials) be removed as (titles)?" Up to four officials in one petition area may be listed on one recall petition, but shall be voted on separately.

(3) No petition permit, license, badge, bond, registration, training, tax, or fee shall be required of petition filers, signers, entities, or circulators. Using paid circulators shall create no extra legal duty. Any adult citizen may circulate any petition. No one shall knowingly sign a petition more than once or if ineligible. No government agent shall detain, stop, cite, or arrest circulators or signers for, while, or related to peaceably petitioning, but petition-based perjury, forgery, and other felony frauds shall be prosecuted.

(4) Statewide petition entries shall be first filed within 365 days of sample section delivery, and local entries within 90 days. One 30-day extension to file more entries made at any time shall start when a first report of invalidity is issued. Added entries shall be reviewed similarly.

(5) The required number of valid petition entries shall be 5% of active registered electors in the petition area and shall not exceed 100,000. Signers shall be registered electors in the petition 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, date, 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, street address, and attached affidavit with or without errors shall be presumed valid until a foe disproves validity by clear and convincing evidence in a court review.

(6) Within 10 days of filings, the election office shall count, review, itemize, and report entries for validity. Within five days of the report, petition filers and foes 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 20 days of protest filing. Only petition filers prevailing in a protest shall receive attorney fees and costs.

(7) Local recall elections 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 on each official, list "Yes" and "No" choices, and list one website each from the official and petition filers. Death or immediate resignation shall stop recalls but not pending successor petitions or elections.

(8) Ballots shall then list eligible successors and one website from each. The official shall be ineligible. The required number of valid successor petition entries shall be 0.25% of active registered electors in the petition area and shall not exceed 5,000. Successor 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 recall petition procedures shall apply to successor nomination petitions. Recall and successor ballots shall not list political party registration.

(9) Recalled officials shall lose their offices instantly. Runoff elections shall be prohibited. Successors shall be ineligible for recall for two years. Recalled officials and those who resign during a recall process shall not be any official for six years. Officials defeating a recall election are ineligible for recall from that office for four years.

10) A recall occurs on its last election date. Election dates shall include the first Tuesday in November of odd-numbered years. Except to provide public records, no one shall directly or indirectly give or receive government funds, labor, or other aid in any recall or successor campaign or to repay its costs. To reduce retaliation and coercion, donations and spending for a petition campaign and circulator payments shall never be identified, reported, or limited. Opposition donations and spending and all petitions shall be public records. Added recall requirements and any local recall laws shall be prohibited.

Section 3. Enforcement. "Elective" means in an office subject to election, even if term limited. This article shall also apply in all home rule governments as a matter of statewide concern. To enforce this article unrelated to specific petition entry validity, any adult citizen may file a case in any district court, which shall decide it within 30 days. Appeals shall be filed within five days to the Supreme Court and decided within 25 days of appeal filing. Only successful plaintiffs enforcing this article shall be awarded their costs, attorney fees, and damages, and only against governments and officials. This article shall be self-executing, severable, and effective upon passage. It shall be interpreted strictly in favor of this fundamental right to vote and against governments and officials. It shall supersede any conflicting state or local constitutional, statutory, charter, ordinance, or other law, prior opinion, rule, regulation, or wording.