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By Steven Ward at 8:30 am, Apr 22, 2020

BEFORE THE COLORADO BALLOT TITLE SETTING BOARD

Celeste Landry, Objector,

vs.

Hattie Lou Reed and Mike Melanson, Proponents.

MOTION FOR REHEARING ON INITIATIVE 2019-2020 #318

Celeste Landry, registered elector in the State of Colorado, hereby submits this Motion for Rehearing on Initiative 2019-2020 #318 pursuant to Section 1-40-107 C.R.S. (2019) and objects to the Title Board's title and ballot title and submission clause set on said Initiative. The titles set are misleading, fail to conform with the requirements of Colorado law, and do not inform voters of certain central elements of said Initiative.

- A. The titles set by the Title Board do not fairly express the initiative's intent to effectively prohibit a major political party from placing a candidate on its primary ballot.
1. The title language "so that candidates are placed on ballots by petition" implies that all prospective candidates have access to the petition process. In many districts, one major political party has a distinct numerical superiority of registered voters over another major political party. The imbalance may be so great that achieving signature sufficiency on a candidate petition is mathematically impossible. Consider this example of a member of a major political party in Rio Blanco County who wants to run for County Commissioner in District 2 in 2020.
 - a. One major political party had a primary in 2016 with 1,431 votes cast; members of this party choosing the petition route to be placed on the primary ballot must collect 144 signatures (10% of 1,431).
 - b. Since the other major political party did not hold a primary, its prospective candidates must collect 275 signatures (10% of the 2,743 votes cast for District 2 County Commissioner in the 2016 general election). However, fewer than 275 people in the county are active registered members of this major political party.
 2. Currently, 1-4-1002(1)(b) C.R.S. allows political parties to fill a vacancy when an assembly fails to designate a candidate for nomination. This initiative deletes that language, only allowing major political parties to fill a vacancy of a designated candidate, i.e., a candidate who successfully achieved signature sufficiency. If no candidate is successfully placed on the ballot via petition, a major political party has no recourse to place someone on the ballot.
- B. "Repealing the role of the political party caucuses and assemblies in placing candidates on election ballots" does not inform voters of a central element of this initiative, namely the initiative's intent to reduce the number of competitive primary elections and to reduce the number of candidates in ballot contests.

1. Assemblies allow for up to 3 candidates per seat per political party to be placed on the primary ballot. The other option for a candidate to be placed on the ballot is to collect the required number of candidate petition signatures. Eliminating assemblies will result in fewer competitive primary elections – particularly, in districts without enough registered voters of one party for two or more candidates of that party to mathematically achieve signature sufficiency.
2. If every prospective candidate for every office must collect signatures, the electorate will soon weary of signature gatherers. If an unhappy electorate revolts and generally “declines to sign” candidate petitions, very few or perhaps zero candidates will be placed on the ballot. The existing rule that an elector may only sign one candidate petition per seat to be filled only makes this scenario more likely.
3. For statewide elections the number of signatures necessary to be placed on the ballot is large enough that a prospective candidate with a small initial campaign budget, but who might otherwise be designated via assembly, may be effectively prohibited from petitioning onto the ballot, while a well-funded candidate may easily hire signature gatherers to collect the required number of signatures.
4. This initiative’s intent is to substantially weaken or eliminate minor political parties by forcing their prospective candidates to expend time, labor and money to collect signatures. All candidates, once qualified for the ballot, typically have some visibility through candidate forums and voter guides, but this initiative unduly raises the bar to become a designated candidate in the first place.

WHEREFORE, Initiative #318 should be returned to the Proponents or its titles should be corrected to more fairly and fully express the intent of the Initiative in compliance with Colorado law.

RESPECTFULLY SUBMITTED this 21st day of April, 2020.



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