

Good afternoon Deputy Secretary Beal, my name is Stephen Ball and I am a registered elector in the State of Colorado and am honored to have been a designated representative of the people for statewide ballot initiative 2019-2020 #200. I was directly involved in the petition form creation and approval process by the Secretary; the printing, assembling, and individually numbering of petition sections; the acquisition and training of circulators, as well as the notarization and submission of those sections to the Secretary. The new and current rules promulgated by the Secretary, in regards to the initiative process, are a clear violation of constitutional law, an overreach of jurisdiction and a detriment to the people and the taxpayers of Colorado.

ARGUMENTS AGAINST PROPOSED RULE CHANGES

Proposed rule 15.1.1(d) requires that proponents submit a Microsoft Word version of the final text to the Secretary. Not everyone uses Microsoft products and to require that proponents purchase certain software from a certain company is unreasonable. Furthermore, requesting a document in a format that can be easily edited by the Secretary after the submission of final text is offensive. In an initiative with 35 pages of text, where a single character change could mean the difference between making and losing billions of dollars, the Secretary requiring access to an editable form of the document is unjust. There is no current law, statute or rule that allows the Secretary to edit initiative text and to require such a form from the proponents is unacceptable.

The repeal of rule 15.6, removing the opportunity to cure an insufficiency in the randomization process of the Secretary, is egregious. By definition, the random sample taken by the Secretary contains error. A scenario is possible where a petition is in fact sufficient, but the random process of looking at 5% of the entries in the petition can determine it invalid and deny the initiative access to the ballot, with no recourse. Would it be acceptable to the Secretary to take a random sample of votes to determine an election? If not, then removing the opportunity to cure an insufficiency that may be tied to the definitive error in the validation process is not in the best interests of the people.

ARGUMENTS FOR RULE CHANGES

Neither the Secretary nor the General Assembly has any authority over the initiative process. (Colo. Const. art. 5, § 1-1 "...the people reserve to themselves the power to propose laws and amendments to the constitution ... independent of the general assembly."). Statutes adopted by the General Assembly may seem to direct the Secretary to promulgate rules in regards to the initiative process; however, the law dictates specifically that the only role the Secretary is to play is in the creation of the form (Colo. Const. art. 5, § 1-2 "Initiative petitions for state legislation and amendments to the constitution, in such forms as may be prescribed pursuant to law...") and that any interference of the General Assembly, unless done by constitutional amendment, is irrelevant. The law clearly states that the form is to contain a space for a signature, an address and a date (Colo. Const. art. 5, § 1-6. "... such petition shall be signed by registered electors in their own proper persons only, to which shall be attached the residence address of such person and the date of signing the same.").

1	FIRST	MI	LAST	SIGN
	RESIDENCE ADDRESS		CITY/TOWN	COUNTY

Above is the current signature block for an initiative petition. First, MI, Last, City/Town and County are irrelevant pieces of information and in order to not be duplicating or wasting efforts, time energy and money of the proponents, this block needs to contain only the necessary information; signature, address, and date.

Currently, the Secretary has made proponents aware that the software used by the Secretary is unable to allow for more than 80 signatures on a single section. How is this possible? We can land a man on the moon, but we can't add extra pages to a petition section? I don't buy it. This is another attempt by the Secretary to place an undue burden on the proponents by requiring a notarization, which comes with financial and temporal costs, every 80 signatures collected when a single person can circulate a section and gather as many signatures as possible before they are ready to fill out an affidavit.

(Colo. Const. art. 5, § 1-6. "...To each of such petitions... .. shall be attached an affidavit of some registered elector that each signature thereon is the signature of the person whose name it purports to be and that, to the best of the knowledge and belief of the affiant, each of the persons signing said petition was, at the time of signing, a registered elector. Such petition so verified shall be prima facie evidence that the signatures are thereon genuine and true and that the persons signing the same are the registered electors."). The affidavit of *some registered elector* is all that is needed to verify that the signatures are valid and to promulgate rules about circulation is outside the jurisdiction of the Secretary and the General Assembly. The petition is perfectly capable of circulating itself, and the law does not demand that any person claim responsibility for circulating, only that a registered elector make a mark to say that the signatures were made by registered electors. This is considered valid, until proven otherwise. The verification process of the Secretary is not only unwarranted but a waste of taxpayer dollars performing a task beyond the jurisdiction of the office that in no way shape or form proves that the mark made by a registered voter is not genuine.

DEMANDS

1. The Secretary is to alter the petition form so that the signature blocks contain only the necessary information of signature, address and date.
2. The Secretary is to adjust the petition forms to allow for an unlimited number of signatures per section.
3. The Secretary immediately ceases enforcement of all circulators and alters the affidavit to include oaths which are applicable only by constitutional law, to any registered elector.

4. Any signature verification practices of any kind for any and all statewide initiative petitions cease as it is outside the jurisdiction of the Secretary and it is creating an undue burden on the people and the taxpayers.

Thank you,

Stephen Ball