

From: [Patty McKernan](#)
To: [Statewide Initiatives](#)
Subject: [EXTERNAL] Challenge to the Initiatives for Conduct of Elections
Date: Tuesday, March 19, 2024 3:17:59 PM

Dear Initiative Title Board,

Unfortunately, we need to do this again. Please accept the following as my Public Comment on Initiatives being heard at the Title Board on March 20, 2024.

As with the previous round of initiatives vying for Title concerning the conduct of election/Ranked Voting Method, the next to batches filed also violate the constitutional requirement that initiatives be a single subject. During the Title Board hearing on February 7, 2024 the Title board denied setting Title for similar initiatives #117 and 8 others after a motion for rehearing was filed and public comment was considered. I am asking this title board to deny the following initiatives before the board on March 20th, 2024 due to their failure to meet the Constitutional standard of a Single subject. I am concerned that this board appears to be approving initiatives with multiple subjects unless the public enters opposition as we now have seen the board initially approve similar multiple subject initiatives. The following initiatives are not single subject and must be denied title.

Initiatives for rehearing: 2023-2024 #186, 187, 188, 189, 180, 191: Concerning the Conduct of Elections

A. Multiple subjects:

1. Creates new designation of offices elected by Single Choice Voting (Plurality),
2. Creates a new designation "Covered Offices" for offices elected by Ranked Voting Method (Ranked Choice Voting, or Instant Runoff),
3. Creates an All-Candidate Primary which abolished the existing Party Primary elections,
4. Creates a new deadline for candidates to designate Party affiliation,
5. Creates new standard for candidates to be listed on the ballot with a method of chance called a "Lot",
6. Limits the number of candidates to appear on the general election ballot to 4 candidates regardless of party,
7. Eliminates the mandatory recount by replacing it with a method of chance called a "Lot",
8. Creates a new method of advancing candidates who previously lost in the All-Candidate Primary to fill any vacancy on the General election ballot,
9. Eliminates In Person voting in the All-Candidate Primary election,
10. Creates a new standard for verifying a candidates residency requirement,

Initiatives 2023-2024 #209 & #210

A. Multiple Subject

1. Creates new designation of offices elected by Single Choice Voting (Plurality),
2. Creates a new designation of "Covered Offices" to include state legislative offices
3. Establishes Ranked Voting Method as the means to elect US Congress.
4. Creates an All-Candidate Primary which abolished the existing Party Primary elections,
5. Creates a new deadline for candidates to designate Party affiliation,
6. Creates new standard for candidates to be listed on the ballot with a method of chance called a "Lot",
7. Limits the number of candidates to appear on the general election ballot to 4 candidates regardless of party,
8. Eliminates the mandatory recount by replacing it with a method of chance called a "Lot",
9. Creates a new method of advancing candidates who previously lost in the All-Candidate Primary to fill any vacancy on the General election ballot,
10. Eliminates In Person voting in the All-Candidate Primary election,
11. Creates a new standard for verifying a candidates residency requirement,

Initiatives 2023-2024 #211 & 212 A. Multiple Subject

1. Creates a new designation of "Covered Office" to include US Congress, state legislators and state offices.
2. Ranked Voting Method for Covered Offices in the Primary
3. Ranked Voting Method for Covered Offices in the General

4. Creates a new authority for election officials to self-determine a tie for lowest ranked vote.

5. Instant Run off for President of the US.

Initiative 2023-2024 #213 A. Multiple subjects:

1. Creates a new designation of "Covered Offices" to include state legislative offices

2. Creates an All candidate Primary (open primary) election.

3. Petition only onto the ballot 1-4-603(2) "SHALL BE PLACED ON THE ALL-CANDIDATE PRIMARY ELECTION BALLOT BY PETITION"

4. Creates a new method for replacing a candidate who withdraws from the primary race.

Initiatives 2023-2024 #215 & 216 4 pgs A. Multiple subjects:

5. Creates a new designation of "Covered Offices" to include state legislative offices

6. Establishes Ranked Voting Method as the means to elect State legislators.

7. Creates new standard for candidates to be listed on the ballot with a method of chance called a "Lot"

8. Limits the number of candidates to appear on the general election ballot to 4 candidates regardless of party,

9. THEN THE CANDIDATE TO BE ELIMINATED SHALL BE DETERMINED BY LOT. ELECTION OFFICIALS

MAY RESOLVE PROSPECTIVE TIES

10. Eliminates the mandatory recount by replacing it with a method of chance called a "Lot", Which gives the election official an unprecedented, and possibly unconstitutional, authority to determine the will of the people.

11. requires The SOS to publish the results as they come in creating a new standard and providing an avenue for fraud. Knowing the results as they come in allows for fake ballots to be entered.

Initiatives 2023-2024 #197 and #219 Vacancies A. Multiple subjects

1. Vacancies filled by Election not appointment

2. Election must be Ranked Voting Method which is not the current voting ethos used for General Assembly

Initiatives 2023-2024 #223

B. Multiple subjects

1. Creates an online Petition Process

2. Limits the number of candidates in the General election to 4

3. Creates Ranked Voting Method (Instant Runoff) for all elected offices.

1-40-106.5. Single-subject requirements for initiated measures and referred

constitutional amendments - legislative declaration. (1) The general assembly hereby finds, determines, and declares that:

(a) Section 1 (5.5) of article V and section 2 (3) of article XIX of the state constitution

require that every constitutional amendment or law proposed by initiative and every constitutional amendment proposed by the general assembly be limited to a single subject, which shall be clearly expressed in its title;

(b) Such provisions were referred by the general assembly to the people for their approval at the 1994 general election pursuant to Senate Concurrent Resolution 93-4;

(c) The language of such provisions was drawn from section 21 of article V of the state constitution, which requires that every bill, except general appropriation bills, shall be limited to a single subject, which shall be clearly expressed in its title;

(d) The Colorado supreme court has held that the constitutional single-subject requirement for bills was designed to prevent or inhibit various inappropriate or misleading practices that might otherwise occur, and the intent of the general assembly in referring to the people section 1 (5.5) of article V and section 2 (3) of article XIX was to protect initiated

measures and referred constitutional amendments from similar practices;

(e) The practices intended by the general assembly to be inhibited by section 1 (5.5) of article V and section 2 (3) of article XIX are as follows:

(I) To forbid the treatment of incongruous subjects in the same measure, especially the practice of putting together in one measure subjects having no necessary or proper connection, for the purpose of enlisting in support of the measure the advocates of each measure, and thus securing the enactment of measures that could not be carried upon their merits;

(II) To prevent surreptitious measures and apprise the people of the subject of each measure by the title, that is, to prevent surprise and fraud from being practiced upon voters.

- (2) It is the intent of the general assembly that section 1 (5.5) of article V and section 2 (3) of article XIX be liberally construed, so as to avert the practices against which they are aimed and, at the same time, to preserve and protect the right of initiative and referendum.
- (3) It is further the intent of the general assembly that, in setting titles pursuant to section 1 (5.5) of article V, the initiative title setting review board created in section 1-40-106 should apply judicial decisions construing the constitutional single-subject requirement for bills and should follow the same rules employed by the general assembly in considering titles for bills.

Many blessings,
Patty McKernan