

COLORADO TITLE SETTING BOARD

IN THE MATTER OF THE TITLE AND BALLOT TITLE AND SUBMISSION CLAUSE FOR PROPOSED INITIATIVE
2023-2024 #219

MOTION FOR REHEARING ON PROPOSED INITIATIVE 2023-2024 #219

I, Linda Good, a registered elector of the State of Colorado, submits to the Title Board this Motion for Rehearing on Proposed Initiative 2023-2024 #219 "Concerning the Conduct of Elections" ("Initiative #219") and as grounds therefore state as follows:

I. THE TITLE SET BY TITLE BOARD AT March 20, 2024 HEARING

On March 20, 2024, the Title Board set the following ballot title and submission clause for Initiative #219:

The title as designated and fixed by the Board is as follows:

An amendment to the Colorado constitution and a change to the Colorado Revised Statutes concerning filling a vacancy in the Colorado legislature through a vacancy election instead of a political party vacancy committee appointment, and, in connection therewith, repealing the requirement that a vacancy be filled by a member of the same political party as the vacating legislator; requiring the vacancy election to be held as soon as possible after the vacancy has occurred and to be conducted by ranked voting; and requiring candidates to petition onto the vacancy election ballot.

The ballot title and submission clause as designated and fixed by the Board is as follows:

Shall there be an amendment to the Colorado constitution and a change to the Colorado Revised Statutes concerning filling a vacancy in the Colorado legislature through a vacancy election instead of a political party vacancy committee appointment, and, in connection therewith, repealing the requirement that a vacancy be filled by a member of the same political party as the vacating legislator; requiring the vacancy election to be held as soon as possible after the vacancy has occurred and to be conducted by ranked voting; and requiring candidates to petition onto the vacancy election ballot?

II. GROUNDS FOR REHEARING

The Initiative Impermissibly Contains Several Separate and Distinct Subjects in Violation of the Single Subject Requirement.

Pursuant to Colo. Const. art. V, §1(5.5),

“no measure shall be proposed by petition containing more than one subject, which shall be clearly expressed in its title If a measure contains more than one subject, such that a ballot title cannot be fixed that clearly expresses a single subject, no title shall be set and the measure shall not be submitted to the people for adoption or rejection at the polls.”

See also 1-40-106.5, C.R.S. "When a proposed initiative comprises multiple subjects, the [Title] Board lacks jurisdiction to set its title.”

Initiative #219 has four distinct subjects;

1. A change in how vacancies are filled. “filling a vacancy in the Colorado legislature through a vacancy election instead of a political party vacancy committee appointment”
2. Violating the trust of the people of a political party who voted for a representative to be in office for a set period of time and opening up the new special vacancy election to allow candidates who may not represent their political ideology. “repealing the requirement that a vacancy be filled by a member of the same political party as the vacating legislator; “
3. Changing the conduct of the election from a plurality of votes, as is currently prescribed in the Colorado Constitution Article IV § 3 “The joint candidates having the highest number of votes cast for governor and lieutenant governor, and the person having the highest number of votes for any other office, shall be declared duly elected,” which has been the mechanism of conducting elections in the United States of America for 248 years and in the state of Colorado for 148 years, to Ranked Voting Method where the duly elected is determined by the majority of votes after several rounds of voting is a subject unto itself. “requiring the vacancy election to be held as soon as possible after the vacancy has occurred and to be conducted by ranked voting;”
4. Requiring access to the ballot by petition only. “and requiring candidates to petition onto the vacancy election ballot.”

III. CONCLUSION

Based on the foregoing, Objector requests a rehearing of the Title Board for Initiative 2023-2024 #219 because the initiative contains multiple subjects. As a result, the Title Board lacks jurisdiction to set a title and should reject the measure in its entirety.