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COLORADO TITLE SETTING BOARD

Colorado Secretary of State

IN THE MATTER OF THE TITLE AND BALLOT TITLE AND SUBMISSION CLAUSE  
FOR INITIATIVE 2017-2018 # 20

**MOTION FOR CONTINUANCE**

On behalf of Andrew J. O'Connor and Mary E. Henry, co-sponsors (hereinafter "co-sponsors") of Ballot Initiative 2017-2018 #20, the undersigned counsel hereby submits this Motion for Continuance and as grounds therefore states as follows:

1. On April 26, 2017, co-sponsors were notified of rehearing scheduled for April 28, 2017. Two days' notice is not reasonable or adequate notice for co-sponsors to prepare for re-hearing and severely prejudices co-sponsors.

2. The co-sponsor on ballot initiative #20 Mary Henry works as a para-educator for Boulder Valley School District and does not finish her workday until 3:15pm; consequently, it is impossible for her to make the 12:00pm time on April 28, 2017. The co-sponsors respectfully request a rehearing time for Ballot Initiative 2017-2018 #20 be scheduled for 4:00pm on April 28, 2017, or, in the alternative, the rehearing for Ballot Initiative 2017-2018 #20 to be placed last on the agenda in order to allow co-sponsors time to drive from Lafayette to Denver.

3. Section 1-40-106 (1) C.R.S. states that public meetings are to be held before the Secretary of State's Office; consequently, it is a violation of Section 1-40-106 (1) C.R.S., to hold a public meeting involving rehearing on a ballot initiative at any other place than the Secretary of State's Office. The purpose of the initiative and referendum is to expeditiously permit free exercise of legislative powers by the people. *Matter of Title, Ballot Title & S. Clause*, 872 P.2d 689 (Colo. 1994)

4. It is a violation of Section 1-40-106 (1) C.R.S., to move a public meeting on a rehearing to Ralph Carr Building, without reasonable notice or substantial justification because it deprives the co-sponsors and public of reasonable notice of the change of venue and opportunity to attend and access said public meeting; consequently, said public meeting must be held at the Secretary of State's Office, as it always has been pursuant to Section 1-40-106 (1) C.R.S. *Brownlow v. Wunch*, 103 Colo. 120, 83 P. 2d 775 (1938)

5. Moving the rehearing from the Secretary of State's Office to the Ralph Carr Building would substantially prejudice the co-sponsors and the public and deprive the public an opportunity to attend because there is substantial public interest in Ballot Initiative 2017-2018 #20.

6. The Secretary of State's Office failed to articulate a credible reason or substantial justification for moving the rehearing from the Secretary of State's Office, where it is always held, to the Ralph Carr Building and accordingly is in violation of Section 1-40-106 (1) C.R.S.

7. The co-sponsors feel physically threatened by opposing counsel and the oil and gas industry and has respectfully requested that the rehearing be held via a telephone conference in prior Motion for Telephone Hearing filed on April 26, 2017, thereby insuring the personal safety of the co-sponsors.

Based upon the foregoing, co-sponsors Andrew J. O'Connor and Mary E. Henry, respectfully request that Motion for Continuance be granted and that rehearing be rescheduled and held via telephone conference in order to insure the physical safety of the co-sponsors.

Respectfully submitted this 27<sup>th</sup> day of April, 2017.

/s/ Andrew J. O'Connor  
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