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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 TELEPHONE HEARING

On behalf of Andrew J. O'Connor, co-sponsor of Ballot Initiative 2017-2018 #20, the undersigned counsel hereby submits this Motion for Telephone Hearing and as grounds therefore states as follows:

1. 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)
2. 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)
3. 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 as there is substantial public interest in Ballot Initiative 2017-2018 #20.
4. The Secretary of State's Office refuses to or is unable 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.
5. The co-sponsors feel physically threatened by opposing counsel and the oil and gas industry and respectfully request that the rehearing be held via a telephone conference thereby insuring the personal safety of the co-sponsors.

Based upon the foregoing, Co-sponsor Andrew J. O'Connor, respectfully requests that rehearing be held via telephone conference in order to insure the physical safety of the co-sponsors.

Respectfully submitted this 26th day of April, 2017.

/s/ Andrew J. O'Connor
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