

TESTIMONY, SCR 15-002, APRIL 27, 2015

Apparently, somebody down here doesn't like us, doesn't like we the people. I say this because Senate Concurrent Resolution 15-002 is an undisguised attempt to take away one of our most important Constitutional guarantees: our right to legislate "independent" of the legislature. Citizen legislation, or the initiative, if you will, is really our only control over overreaching or unresponsive government. It is essential to balance in a democracy, to maintaining democracy.

The authors of this resolution apparently think we are too stupid to get it right the first time, and would ask that we vote twice—once to get citizen legislation on the ballot, and a year later to see if we really like it. Try to visualize how this requirement would work in popular elections, say for the state senate? Surely, this is not the suggestion of serious minds.

If you are serious about making democracy and the initiative process work better, here are a few suggestions that would not be unconstitutional, simply procedural.

1. The requirement that both proponents of a ballot initiative must be present at all hearings and reviews, with no allowance for emergency substitutions, must be modified to allow for substitutions such as death. The Supreme Court has ruled death does not count, death is not an emergency. In substance, this ruling is simply another example of how unfriendly government has become to the initiative, and by implication the people.

2. Our Constitution disallows the legislature from interfering in the initiative process, but by some odd quirk, opponents are allowed to interfere in the process by challenging the title set by the Secretary of State's title setting board. This is but another example of how the initiative process is threatened by ill-conceived administrative procedures. Opponents should have no more right to subvert the process than the legislature.

3. Electronic petition gathering should be strongly urged and legislated. It would encourage democratic participation, and cut costs.

I'd like to close with a quote from a 1938 court decision. "It is well that all departments give pause, that they may not offend. All must answer to the people, in and from whom... all political power is invested and derived." *Hudson v. Annear*, 101 Colo. 551, 75 P.2d 587 (1938).

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