11-22-1976

City of Glendale v. Buchanan

IN THE SUPREME COURT

OF THE STATE OF COLORADO

NO. 27243

THE CITY OF GLENDALE, a municipal corporation; GEORGE T. GARSON, individually and as Mayor of the City of Glendale; RALPH CHAMBERS, JOSEPH KAISER, TIM GREER, JOHN JOHNSON, ROBERT GILMOUR, individually and as City Councilmen of the City of Glendale; and FRANK P. MAC FADDEN, Plaintiffs-Appellees, vs. MARY ESTILL BUCHANAN, Secretary of State, State of Colorado; JOHN P. MOORE, Attorney General, State of Colorado; IRVING MEHLER, Reporter to the Supreme Court of the State of Colorado; BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ARAPAHOE, Defendants-Appellees, CITY AND COUNTY OF DENVER, Defendant-Appellant. CHERRY CREEK SCHOOL DISTRICT NO. 5, Intervenor-Appellee. CITY AND COUNTY OF DENVER, Third Party Plaintiff-Appellant, vs. MARY ESTILL BUCHANAN, Secretary of State, State of Colorado; JOHN P. MOORE, Attorney General, State of Colorado; IRVING MEHLER, Reporter to the Supreme Court of the State of Colorado; THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTIES OF ADAMS, JEFFERSON, ARAPAHOE, DOUGLAS, WELD, BOULDER, GILPIN, and CLEAR CREEK; ALL THE BOARDS OF COUNTY COMMISSIONERS OF ALL OTHER COLORADO COUNTIES, as a class; and the CITIES OF AURORA AND LAKEWOOD, Third Party Defendants-Appellees.	Error to the District Court Of the City and County of Denver, State of Colorado, (Civil Action No. C-49826) HONORABLE ZITA L. WEINSHIENK, JUDGE

BRIEF OF CHERRY CREEK SCHOOL DISTRICT NO. 5
INTERVENOR-APPELLEE

Tom L. Eitel - No. 1474
900 First National Bank Bldg.
333 West Hampden
Englewood, Colorado 80110
Phone: 761-8940
Attorney for Cherry Creek
School District No. 5

TABLE OF CONTENTS

TABLE OF CASES

TABLE OF CASES (continued)

TABLE OF CASES (continued)

TABLE OF CONSTITUTIONAL PROVISIONS

TABLE OF STATUTORY PROVISIONS

TABLE OF OTHER AUTHORITY

STATEMENT OF THE ISSUES

I. The provisions of Colo. Rev. Stat. Ann. §1-40-101 (1973), in requiring a ballot title are unconstitutional and no ballot title is required to be affixed to an initiated amendment to the Constitution of Colorado.

II. The ballot title to Amendment No. 1 was not defective, but if defective, was not such as would require the invalidation of Amendment No. 1.

III. Amendment No. 1 is severable and the provisions therein contained are capable of standing alone and of being given independent effect.

IV. There exists no conflict between Amendment No. 1 and Amendment No. 5.

STATEMENT OF THE CASE AND STATEMENT OF FACTS

For the purposes of this Brief, Cherry Creek School District No. 5 will hereinafter be referred to as "Cherry Creek"; the City and County of Denver will be referred to as "Denver"; the Board of County Commissioners of Arapahoe County, Colorado, will be referred to as "Arapahoe County"; and, the Board of County Commissioners of Jefferson County, Colorado, will be referred to as "Jefferson County". The "Statement of the Case" submitted by Denver in its opening Brief, the "Statement of the Case" as submitted in the Brief of Jefferson County, and the "Statement of the Facts" as contained in the Brief of Arapahoe County, are acceptable and satisfactory to Cherry Creek.

SUMMARY OF THE ARGUMENT

There exists no requirement of the Constitution of Colorado that an initiated constitutional amendment contain a ballot title, and particularly, a ballot title which correctly and fairly expresses the true intent and meaning of the initiated amendment. The provisions of COLO. REV. STAT. ANN. §1-40-101 (1973), requiring that such a ballot title be affixed to an initiated measure are unconstitutional in that such provisions unduly burden the right of the people in the exercise of their right of the initiative.

Every presumption exists in favor of the validity of an amendment after its ratification by the people. The burden of proof that the ballot title was misleading and that the people were in fact mislead, rests upon Denver; that burden of proof is "beyond a reasonable doubt". The widespread publicity concerning the amendment must be considered by the Court in determining whether the people were in fact mislead in voting on Amendment No. 1. The ballot title herein was sufficient in that it not only directed the people to the proper amendment, but also spoke to the nature of Amendment No. 1.

The provisions of Article XIV, Section 3, as contained in Amendment No. 1, may be excised or severed from the remaining portion of Amendment No. 1 relating to Article XX of the Constitution; said remaining portion of Amendment No. 1 is capable of being given independent effect and can be operative with the void portions eliminated.

Amendment No. 1 and Amendment No. 5 are not in conflict since one does not authorize what the other forbids or forbid what the other authorizes.

A R G U M E N T

I

THE PROVISIONS OF COLO. REV. STAT. ANN. §1-40-101 (1973), IN REQUIRING A BALLOT TITLE ARE UNCONSTITUTIONAL AND NO BALLOT TITLE IS REQUIRED TO BE AFFIXED TO AN INITIATED AMENDMENT TO THE CONSTITUTION OF COLORADO.

There exists no requirement of the Constitution of Colorado that an initiated constitutional amendment contain a ballot title, and particularly, a ballot title which correctly and fairly expresses the true intent and meaning of the initiated amendment. The provisions of COLO. REV. STAT. ANN. §1-40-101(1973), requiring that such a ballot title be affixed to an initiated measure are unconstitutional in that such provisions unduly burden the right of the people in the exercise of their right of the initiative.

Article V, Section 1, of the Constitution of Colorado, reserves unto the people the power to propose laws and amendments to the Colorado Constitution and to enact or reject the same at the polls independent of the General Assembly. This constitutional provision is self-executing in all respects. In addressing itself to the manner in which initiated measures are presented to the people for their adoption or rejection, Article V, Section 1 of the Constitution of Colorado states as follows:

> The secretary of state shall submit all measures initiated by or referred to the people for adoption or rejection at the polls, in compliance herewith. The petition shall consist of sheets having such general form printed or written at the top thereof as shall be designated or prescribed by the secretary of state; such a petition shall be signed by qualified electors in their own proper persons only, to which shall be attached the residence address of such person and the date of signing the same. To each of such petitions, which may consist of one or more sheets, shall be attached an affidavit of some qualified elector, that each signature thereon is the signature of the person whose name it purports to be, and that to the best of the knowledge and belief of the affiant, each of the persons signing said petition was at the time of

signing, a qualified elector. Such petition so verified shall be prima facie evidence that the signatures thereon are genuine and true and that the persons signing the same are qualified electors. The text of all measures to be submitted shall be published as constitutional amendments are published, and in submitting the same and in all matters pertaining to the form of all petitions, the secretary of state and all other officers shall be guided by the general laws, and the act submitting this amendment, until legislation shall be especially provided therefor. (Emphasis supplied)

Notwithstanding the absence of any ballot title requirements, directions or authorizations in Article V, Section 1, of the Constitution of Colorado, the Legislature of the State of Colorado enacted the provisions now found in COLO. REV. STAT. ANN. §1-40-101 (1973), the pertinent provisions of which are as follows:

> The original drafts of all initiative petitions for proposed laws or amendments to the state constitution to be enacted by the people, before they are signed by the electors or any of them, shall be submitted with a copy thereof to the secretary of state without any title, submission clause, or ballot title providing the designation for or against by which the voters shall express their choice for or against said proposed law or constitutional amendment. Within three days after such submission, the secretary of state shall call to his assistance the attorney general and the reporter of the supreme court, the three of whom, a majority controlling, shall designate and fix a proper fair title for said proposed law or constitutional amendment within five days thereafter, together with its ballot title and submission clause, which shall correctly and fairly express the true intent and meaning of the law or constitutional amendment, and immediately thereafter the secretary of state shall deliver the same with the original to the parties presenting it, keeping the copy with a record of the action taken thereon. Ballot titles shall be brief and shall not conflict with those selected for any petition previously filed for the same election.
>
> (2) If any persons presenting such initiative petition are not satisfied with the titles and submission clause thus provided and claim that they are unfair or that they do not fairly express the true meaning and intent of the proposed law or constitutional amendment, within forty-eight hours after its return, they may file a motion with the secretary of state for a rehearing, which shall be passed upon by said board within forty-eight hours thereafter, and, if overruled, upon their request, a certified copy of said

> petition with the titles and submission clause of such proposed law or constitutional amendment, together with a certified copy of such motion for rehearing and of the ruling thereon, shall be furnished them by the secretary of state and, if filed with the clerk of the supreme court within five days thereafter, shall be docketed as a cause there pending, which shall be placed at the head of the calendar and disposed of summarily, either affirming the action of said board or reversing it, in which latter case the court shall remand it with instructions, pointing out wherein said board is in error.

A review of these statutory provisions reveals that in enacting such legislation, the Colorado legislature engrafted upon the initiative procedure, a rather complicated and potentially time-consuming procedure as a condition precedent to even the circulation of a petition for an initiated constitutional amendment. The Legislature encumbered the initiative process with a requirement that a ballot title and submission clause, correctly and fairly expressing the true intent and meaning of the proposed constitutional amendment be prepared by the Secretary of State, the Reporter of the Supreme Court and the Attorney General, prior to even the circulation of the petition.

The essence of the foregoing legislation is that additional time of up to ten days (at the discretion and whim of the statutory committee), may be consumed prior to the matter even being submitted to the Supreme Court for its determination as to the validity of the ballot title in the first instance. Additional time will, of course, be consumed in presenting the matter of the validity of the ballot title to the Colorado Supreme Court for its determination.

By reason of the provisions of Article V, Section 1, of the Constitution of Colorado, an initiated measure for an amendment to the Constitution of Colorado shall be addressed to and "filed with the Secretary of State at least four months before the election", at which the measure is to be voted upon.

One must presume that the requisite signatures to place an initiated measure before the people of the State of Colorado, can be obtained in a very short period of time; whatever time that may be is irrelevant. Indeed, all requisite signatures can, theoretically, be obtained in a period of less than one day. Each and every day that is granted unto and consumed by the Secretary of State and the Committee comprised of the Secretary of State, the Reporter of the Supreme Court and the Attorney General in fixing the ballot title, is the addition of time to the four month limitation as found in Article V, Section 1 of the Colorado Constitution. Arguably, one might say that the removal from the people of a period of eight, ten, twelve or more days during which they can circulate a petition is insignificant; however, it is respectfully submitted that inasmuch as the people have reserved unto themselves the absolute right to the free expression of their will through the initiative process, any procedure which will legislatively detract from the time reserved unto the people by themselves, is indeed substantial and is in direct conflict with and violative of the constitutional provisions of Article V, Section 1 of the Constitution of Colorado. Thus, the provisions of COLO. REV. STAT. ANN. §1-40-101 et seq. (1973) constitute an illegal attempt by the legislature to amend the four month limitation as found in Article V, Section 1, by indirection, i.e., by the removal of time during which the people might circulate a petition and possibly invalidating a petition for amendment. And to the extent of such legislative extraction of additional time, said statutory provision is unconstitutional, void and of no effect.

In the case of Baker v. Bosworth, 122 Colo. 356, 222 P.2d 417 (1950), the legislature had passed a law requiring a petition

for an initiated amendment to be signed by fifteen percent of the legal voters, while Article V, Section 1 of the Constitution of Colorado requires signatures of only eight percent of the voters. The Colorado Supreme Court struck down this legislation as violative of the Constitution of Colorado, and quoting from Brownlow v. Wunsch, 103 Colo. 120, 83 P.2d 775, stated, at page 417:

> This section was adopted by popular vote at the general election in 1910 and by it the people reserved to themselves the power to propose laws and amendments to the Constitution and to enact or reject the same at the polls independent of the general assembly. Although by express words it is declared that this section in all respects shall be self-executing, it is clearly contemplated by its terms that legislation may be enacted to further its operation. Pursuant thereto the legislature has adopted certain facilitating statutes which appear in '35 C.S.A. as chapter 86 thereof. It has generally been held by the courts of all jurisdictions that a constitutional provision for the initiative and referendum and statutes enacted in connection therewith should be liberally construed. * * *
>
> We proceed to a determination of the controversy before us upon these considerations to the end that the constitutional right reserved to the people (may be facilitated and not hampered by either technical statutory provisions or technical construction thereof further than is necessary to fairly guard against the fraud and mistake in the exercise by the people of this constitutional right.)

Quoting from secondary authority, and other state case law, the Supreme Court stated, at page 418 (P.2d):

> A constitutional provision is said to be self-executing if it enacts a sufficient rule by means of which the right given may be enjoined and protected. The language used, as well as the object to be accomplished, is to be looked into in ascertaining the intention of the provision. * * * It is plainly expressed in the provision itself in this case that its reserved rights are to be independent of the Legislature, and is sufficiently specific that it may be carried out without legislative aid. * * * It will also override and nullify whatever legislation, either prior or subsequent, would defeat or limit the right [citing

cases]. And so the Legislature may enact laws to facilitate the enforcement of constitutional provisions that are self-executing, and such laws will be obligatory upon the court when intended by the legislature to be mandatory, so long as they do not curtail the rights reserved or exceed the limitations specified therein. (Emphasis supplied)

It is quite uniformly held as stated in 16 C.J.S., Constitutional Law, §48, p.99: "Only such legislation is permissible as is in furtherance of the purpose, or as will facilitate the enforcement, of such provision and legislation which will impair, limit or destroy rights granted by the provision as not permissible. * * * A provision designed to remove an existing mischief should never be construed as dependent for its efficacy and operation on legislative will."

In concluding the legislature had no power to increase the required number of signatures on a petition, the Supreme Court stated, at page 419 (P.2d):

No legislation is necessary or required to put into force and effect the self-executing constitutional provisions authorizing initiative proceedings for the adoption of constitutional amendments, by eight per cent of the electorate. If we should hold, as plaintiff in error contends, that the minimum of eight per cent of the voters, as specified in the Constitution, can be lawfully raised to fifteen, or even a higher, percentage, such holding would be contrary to, and in violation of, the above provisions of the Constitution, that such reserved rights shall be exercised "independent of the general assembly." It is inconceivable that the people reserved such power in themselves, and at the same time, and in the same instrument, vested their agent, the general assembly, with authority to restrict, limit, impair, and even to nullify that power. It is obvious to us that if the legislature is vested with power to substitute fifteen per cent, as it attempted to do in the statute, for the eight per cent provided in the Constitution, it could, by the same token and with equal propriety, substitute fifty per cent or more, and thereby make it virtually impossible for the people to initiate any measure or to submit the same to the electorate at the polls. We cannot place our stamp of approval on such a scheme or device to return to the legislature a power which the people have taken from it and reserved to themselves.

The general assembly is authorized under the above constitutional provision to enact laws which will facilitate and promote the exercise by the people of the rights reserved, including legislation with respect to the form of petitions, and legislation to prevent fraud, but no such enactment may directly or indirectly limit, curtail or restrict such rights. (Emphasis supplied in part).

Another Colorado case wherein the Supreme Court determined the limitations upon the legislature to deal with matters concerning the power of the initiative, is Yenter v. Baker, 126 Colo. 232, 248 P.2d 311 (1952). Therein, the Supreme Court held invalid an act of the legislature requiring that petitions for initiation of a constitutional amendment be filed with the Secretary of State not later than eight months prior to the election (when Article V, Section 1, requires the same to be filed not later than four months prior to such election). It was argued, in defense of the legislation, that such legislation was procedural in character and was enacted to protect the public against fraud and to safeguard the initiative amendment from abuses. In rejecting the legislation, the Colorado Supreme Court quoted with approval the language from Brownlow, supra, and specifically noted that Article V, Section 1, was self-executing, and contained the necessary detailed provisions for carrying into immediate effect the enjoyment of the rights therein established, without legislative action. Further, in quoting from Baker, supra, the Supreme Court stated that:

> Only such legislation is permissible as is in furtherance of the purpose, or as will facilitate the enforcement, of such provision, and legislation which will impair, limit or destroy rights granted by the provision is not permissible.

Quoting from Barker v. St. Louis County, 340 Mo. 986, 104 S.W.2d 371, 376 (1937), the Supreme Court stated:

> If a constitutional provision is self enforcing * * * then any legislation respecting the provision must facilitate enforcement and not curtail or limit any right created and conferred by the provision. If a legislative act undertakes to limit the provisions of the Constitution, then in a contest, the Constitution survives and the act falls.

The Court quoted with approval, and with emphasis, the language found in Kitchens v. City of Paragould, 191 Ark. 940, 88 S.W.2d 843, 846 (1936), that: "The power to impair would be the power to destroy."

In concluding, the Supreme Court stated, at page 317, (P.2d), that:

> In the Bosworth case we were concerned with the number requirement, and here with the time requirement for petitioning. Each is a necessary step in the constitutional method of proceeding to initiate amendments. These requirements are equally procedural and equally basic. Decreasing the required time for signatures curtails the right of the petition equally with the increasing the required number of signatures. The change of either may make impossible the enjoyment of the right reserved by the Constitution, and in any event, change of either curtails and narrows that right. Accordingly, after careful deliberation and with full respect for a coordinate branch of the government, we are compelled to the conclusion that the provision of the statute declaring petitions without effect unless filed with the secretary of state at least eight months before the election restricts petitioners in a right reserved to them by the Constitution and is invalid. (Emphasis supplied).

It is respectfully submitted that the Yenter case is dispositive of the question of whether or not the provisions of COLO. REV. STAT. ANN. §1-40-101 et seq. are unconstitutional as being violative of the provisions of Article V, Section 1. As noted in the Baker case, supra, the legislature is without power to enact any law which either directly or indirectly limits, curtails or restricts the rights reserved unto the people by Article V, Section 1 of the Constitution. To the extent that the statutory committee could fully exercise the eight days granted unto it within which to approve a ballot title for a proposed amendment, that same eight days is removed from the people in submitting the proposed amendment to the Secretary of State as required by Article V, Section 1. Just as stated in the Yenter case, it is also true here, that if the legislature can lawfully grant unto the Secretary of State a period of three days to convene the committee, and a total period of eight days within which to propose a ballot title, what is to limit the legislature from conferring upon the Secretary of State and his committee such

longer period of time, even to the extent of two, three or more months within which to fix such ballot title. And, just as the legislation was struck down in the Yenter case, supra, so also must the legislation here in question be stricken by the Court as unconstitutional.

Two more recent cases defining the limitations imposed upon the legislature in treating with constitutional amendments and the power and right of the initiative as reserved unto the people, are the cases of Colorado Project - Common Cause v. Anderson, 177 Colo. 402, 495 P.2d 218 (1972), and Colorado Project - Common Cause v. Anderson 178 Colo. 1, 495 P.2d 220 (1972). Those cases are each equally supportive of the proposition that "the legislature may not impose restrictions which limit in any way the right of the people to initiate proposed laws and amendments except as those limitations are provided in the constitution itself."

II

THE BALLOT TITLE TO AMENDMENT NO. 1 WAS NOT DEFECTIVE, BUT IF DEFECTIVE, WAS NOT SUCH AS WOULD REQUIRE THE INVALIDATION OF AMENDMENT NO. 1.

Every presumption exists in favor of the validity of an amendment after its ratification by the people. The burden of proof that the ballot title was misleading and that the people were in fact mislead, rests upon Denver; that burden of proof is "beyond a reasonable doubt". The widespread publicity concerning the amendment must be considered by the Court in determining whether the people were in fact mislead in voting on Amendment No. 1. The ballot title herein was sufficient in that it not only directed the people to the proper amendment, but also spoke to the nature of Amendment No. 1.

In discussing this issue, Cherry Creek shall assume, for the purpose of argument, that a ballot title correctly and fairly expressing the true intent and meaning of a proposed amendment can lawfully be required in the first instance. Such assumption is made for the purpose of this discussion only.

The text of Amendment No. 1 was published in full in accordance with Article XXIII of the Colorado Constitution. No person challenged the ballot title for Amendment No. 1 prior to November 5, 1974, which was the date of the election, nor did the Plaintiffs file an action in any Court of the State challenging the ballot title of Amendment No. 1 prior to November 5, 1974. The text of the proposed amendment was widely publicized, not only by citizens' organizations, but also through all forms of the media, including the press, radio and television. On December 20, 1974, the Governor made his proclamation concerning the votes cast for Amendment No. 1, and the votes cast for said measure were 409,174, and the votes cast against said measure were 292,040.

It is clearly, and without question, the law of Colorado, as well as the law of other jurisdictions, that every reasonable presumption, both of law and fact, is to be indulged in favor of the validity of an amendment to the constitution when it is attacked after its ratification by the people. People v. Prevost, 55 Colo. 199, 134 P. 129 (1913); People v. Sours, 31 Colo. 369, 74 P. 167 (1903); Chaney v. Bryant, _____Ark. _____532 S.W.2d 741 (1976); Sylvester v. Tindall, 154 Fla. 709, 18 So. 2d 892 (1944); Scott v. Kirkpatrick, 484 S.W.2d 161 (Mo. 1972); Barnhart v. Herseth ____S. D._____ 222 N.W.2d 131 (1974); Southern Railway Company v. Fowler, ____Tenn._____, 497 S.W.2d 891 (1973); 16 AM. JUR. 2d "Constitutional Law" § 41, pg. 214. For example, it is stated in the Sours case, at page 169 (P.):

> At the outset it should be stated that every reasonable presumption, both of law and fact, is to be indulged in favor of the validity of an amendment to the Constitution when it is attacked after its ratification by the people. In the determination of these questions we ought constantly to keep in mind the declaration of the people in the Bill of Rights "that the people of this state have the sole and exclusive right of governing themselves, as a free, sovereign and independent state; and to alter and abolish their Constitution and form of government whenever they may deem it necessary to their safety and happiness"; and we should examine the objections which have been raised against the validity of this amendment from the viewpoint of a fair and liberal construction, rather than from that of one which unnecessarily embarrasses the exercise of the right of amendment. * * *
>
> "There is nothing in the nature of the submission which should cause the free exercise of it to be obstructed, or that could render it dangerous to the stability of the government; because the measure derives all of its vital force from the action of the people at the ballot box, and there can never be danger in submitting, in an established form, to a free people, the proposition whether they will change their fundamental law. The means provided for the exercise of their sovereign right of changing their Constitution should receive such a construction as not to trammel the exercise of the right. Difficulties and embarrassments in its exercise are in derogation of the right of free government, which is inherent in the people; and the best security against tumult and revolution is in the free and unobstructed privilege to the people of the state to change their Constitution in the mode prescribed by the instrument." (Emphasis supplied)

Further, it is stated in Prevost, supra, at page 130, (P.2d) that:

> Whenever a constitutional amendment is attacked on account of some alleged violation of the Constitution in its submission, it is a universal rule that it must appear beyond a reasonable doubt, both as to law and fact, that the Constitution has been thus violated before the amendment will be overthrown. (Emphasis supplied)

In Barnhart, supra, it is stated, at page 136 (N.W.2d) that:

> In considering the validity of this amendment, we must keep in mind these basic principles. When considering a constitutional amendment after its adoption by the people, the question is not whether it is possible to condemn the amendment, but whether it is possible to uphold it. (Citing authority) It should be sustained unless it "plainly and palpably appear[s] to be invalid." (Citing authority)(Emphasis supplied by the Court)

In considering the validity of a constitutional amendment when attacked upon a basis that the ballot title was misleading or otherwise uninformative to the public, the Courts have repeatedly considered the extent and nature of publicity given to the measure under consideration prior to its adoption in determining whether or not the people were indeed so mislead as to not know the nature and extent of the measure upon which they were voting. One of the earliest cases to consider the effect of such publicity and the information afforded to the people, is the case of Prohibitory Amendment Cases, 24 Kan. 700, ____P.____ (1881), which is quoted with approval in the Sours case, supra, at pages 170-171 (P.). Therein, it is stated:

> "Another thought, and we pass from this question. We may not ignore public history. Nearly two years elapsed between the time the proposition passed the Legislature and the day of the popular vote. During this time this question was not forgotten. It was discussed in every household and at every meeting. The state was thoroughly canvassed. Its merits and demerits were presented and supported by all possible arguments. Pulpit, press, and platform were full of it. It was assumed on all sides that the question was before the people for decision. There was not even a suggestion of even such a defect in the form of submission as would defeat the popular decision. If this objection had been raised prior to the election, the Legislature could have been easily convened, and the defect remedied. But there was not a suggestion

> from friend or foe. The contest was warm and active. After the contest was ended,and the election over, the claim was for the first time made that after all there was nothing in fact before the people; that this whole canvass, excitement and struggle was simply a stupendous farce, meaning nothing, accomplishing nothing. This is a government of the people, by the people, and for the people. This Court has again and again recognized the doctrine lying at the foundation of popular governments that in elections the will of the majority controls, and that mere irregularities or informalities in the conduct of an election are important to thwart the expressed will of such majority.

In the case of Morris v. Governor of Maryland, 263 Md. 20, 281 A.2d 216 (1971), it is stated, at page 219 (A.2d):

> If we had doubts, we should be most reluctant, after the election, to rule that the voters did not know what they were voting for or against, informed as they presumably had been by the very extensive newspaper, radio and television publicity and public discussion prior to the election. (Citing Dutton v. Tawes, 225 Md. 484, 171 A.2d 688).

In State v. Foster, 49 Ohio 2d 460,251 N.E.2d 5 (1969), the Ohio Court demonstrated quite clearly the trend of judicial decisions, giving consideration to the effect of the media in informing the public as to measures to be voted upon, in stating, at page 8 (N.E.2d):

> The question is, should he [the voter] be expected to get that from the form of the ballot itself, or can we rely on our communications media to give us the pros and cons before we get to the ballot box. On analysis, it seems clear that today the voter has a much better opportunity to make his determination on the basis of the advanced analysis and publicity every constitutional amendment gets than he is from the hurried perusal of a description on the ballot. The best one can really hope for from a ballot description is that it be sufficient to advise the voter of which of various amendments submitted to that particular election he is then voting on. (Emphasis supplied)

In Hill v. Evans ____Tex. Civ. App.____, 414 S.W.2d 684 (1967), the Texas Court of Civil Appeals stated, at pages 692-93 (S.W.2d), as follows:

> In view of the publicity, both official and otherwise, over a period of at least three months immediately prior to the election, through newspapers, radios, and

> television, and the widespread interest of the public in the subject, it would appear highly unlikely that any voter within the sight or sound of these media, or of other voters, went to the polls November 8 without knowing the scope and character of Proposition No. 7.

In the case of Sears v. State, 232 Ga. 547, 208 S.E.2d 93 (1974), it was noted, at page 100 (S.E.2d) in speaking to the requirement of publication of the proposed amendment in newspapers of general circulation in the state, that: "This is the method by which the voters inform themselves of the contents and merits of the proposed amendments", and not the ballot title itself.

Some Courts have even held that once an amendment is actually published and submitted to a vote of the people and by them adopted without any question having been raised prior to the election as to the method by which the amendment gets before them, the favorable vote by the people is to cure defects in the form of submission. Sylvester v. Tindall 154 Fla. 663, 18 So. 2d 892 (1944); Prohibitory Amendment Cases 24 Kan. 700, _____ P. _____ (1881).

It seems to be universally held, and it is certainly the law of the State of Colorado, that one challenging the validity of a constitutional amendment has the burden to establish the fact that the constitution had been violated in proposing and submitting the amendment, and that the Court must be satisfied, beyond a reasonable doubt, that indeed such violation has occurred. People v. Prevost, 55 Colo. 199, 134 P. 129 (1913); People v. Sours, 31 Colo. 369, 74 P. 167 (1903). In State ex rel. Rhodes v. Brown, 34 Ohio St. 2d 101, 296 N.E.2d 538 (1973), it was stated that:

> The adoption of a constitutional amendment by the electors constitutes the exercise of a sacred American right, and we deem it unwise to invalidate such amendatory language except under the most extreme circumstances.

> Hence, it becomes our duty to make every effort to resolve this dilemma in a way that will preserve the amendment and give it that effect which we conclude was the desire of the electorate at the time of its adoption . (Emphasis supplied)

It is respectfully suggested to the Court that in the case of Cook v. Baker, 121 Colo. 187, 214 P.2d 787 (1950), which was an original proceeding under the statutory provisions providing for the affixing of a ballot title, to a proposed constitutional measure, the Colorado Supreme Court fully recognized that the voter is informed, not from the ballot title itself, but rather from the publication of the full text of the proposed amendment. The Cook case involved a ballot title which contained 369 words, while the text of the amendment itself contained only 505 words. In striking down the proposed ballot title, the Colorado Supreme Court stated, at pages 790-91, (P.2d):

> Adequate provisions were made by the legislature in Section 1, Chapter 147, S.L. '41, following the excerpts therefrom above quoted, for full publicity as to the contents of all proposed amendments as providing that the full text thereof be published in a newspaper of general circulation throughout the state within thirty days after the fixing of "its ballot title and submission clause." The purpose of this provision is to acquaint the voters, before they enter the polling booths, as to the contents of measures submitted. To require that said text or a substantial portion thereof be again printed on the official ballot, is contrary to all precedent, could serve no useful purpose, and, as we are convinced from a study of the act as a whole, was not within the contemplation of the legislature. (Emphasis supplied)

While the statutory provision therein referenced by the Colorado Supreme Court has now been stricken down by the Court, we should point out to the Court that Article XXIII of the Constitution of Colorado likewise requires full publication of the printed text of constitutional amendments prior to the submission of the same to the people in the polls. Thus, clearly, the people of the State of Colorado, in adopting Article V, Section 1 of the Constitution of Colorado desired and in fact directed that publicity be given to proposed constitutional

amendments in the form of full publication prior to the election, so that the people could be adequately and properly advised as to the matters upon which they were voting.

The case of Nesbit v. People, 19 Colo. 441, 36 P. 221 (1894), stated that a proposed amendment need not have any title, except as it designates the Article of the Constitution to be amended. Further, that holding of the Nesbit case, supra, seems to be implicit in the language utilized by the Supreme Court in the Baker case, supra, when directing its attention to the fact the publication of the text of the amendment was that which educated the people as to the measures upon which they were voting. In the Sours case, supra, the Colorado Supreme Court also directed its attention to the publication of the text in full, noting that the measures were published in full prior to the election itself, and that the people would seemingly be informed on account thereof. In the Brownlow case, supra, it was held that only in a clear case should a title prepared by the Attorney General be held insufficient. It is further stated therein, that if reasonable minds may differ as to the sufficiency of the title, the title should be held to be sufficient. In quoting fron Wieder v. Hoss, 143 Or. 122, 21 P.2d 780 (1933), the Court, in Say v. Baker 137 Colo. 155, 322 P.2d 317 (1958), stated that the mere fact that after an appeal has been taken and the Court has had the benefit of the additional labor bestowed upon the ballot title by counsel and may be able to write a better ballot title than the one prepared by the Attorney General constitutes no reason for discarding his title. The purpose of the appeal is not to secure for the bill the best possible title, but to eliminate one that is insufficient or unfair if it should develop that the one submitted by the Attorney General is of that kind. In Bauch v. Anderson 178 Colo. 308, 497 P.2d 698

(1972), the Colorado Supreme Court stated, at page 699 that:

> We have arrived at this conclusion by applying the principles enunciated in relevant Colorado cases that in a proceeding of this sort (1) we must not in any way concern ourselves with the merit or lack of merit of the proposed amendment since, under our system of government, that resolution rests with the electorate; (2) all legitimate presumptions must be indulged in favor of the propriety of the board's action; and, (3) only in a clear case should a title prepared by the board be held invalid.

The law is replete with cases concerning the efficacy of ballot titles, when challenged as being misleading, non-informative, or unfair. It appears to be the overwhelming weight of authority, that in examining the validity of a ballot title, the Court seeks to determine whether or not the ballot title directs the voter's attention to the specific amendment in question so that the voter will not be confused with other amendments on the ballot. Hood v. State of Arizona, 24 Ariz. App. 457, 539 P.2d 931 (1975); Sears v. State, 232 Ga. 547, 208 S.E. 2d 93 (1974); Roeschlein v. Thomas, ____Ind.____, 280 N.E. 2d 581 (1972); Hill v. Evans ____Tex. Civ. App.____414 S.W.2d 684 (1967). In the Roeschlein case, the Indiana Supreme Court stated that a ballot title

> must inform the voter as to the particular amendment to be voted upon and need not educate the voter by spelling out the entire amendment. The "brief statement" of the Amendment on the ballot is intended as a means of identification.

In Oviatt v. Behme, 238 Ind. 69, 147 N.E.2d 897 (1958), the Court, after pointing out the absence of mandatory language in the constitution concerning the subject of ballot titles, held that even though an important limitation was omitted in the ballot description, the language used was adequate, and stated:

> So long as the amendment is sufficiently identified and is not confused with any other amendments submitted at the time, we, as a Court, do not have the right to strike it down on any theory that the legislature failed to use good judgment in the method of submitting the amendment. (Court supplied emphasis)

Tested in light of the foregoing case authorities, both from Colorado and from other jurisdictions, it seems clear that this Court should not and cannot strike down Amendment No. 1 based upon an alleged defective ballot title. It is clear that the language employed in the ballot title, although it may have been imperfect, most certainly directed the electorate to Amendment No. 1 as opposed to other amendments being presented on the ballot at the time of the 1974 election. Further, the publicity surrounding the adoption of Amendment No. 1 was extensive and prolonged and it is difficult, if not impossible, to imagine that the people were uninformed in voting on Amendment No. 1. The people have overwhelmingly approved Amendment No. 1, and there is certainly no presumption, either in the law or in fact, nor indeed are there any facts in the record, to demonstrate that the people in voting on Amendment No. 1 did not know the effect of their vote in favor of the proposition. Are the people to be disenfranchised on a possible mere irregularity of the ballot title, particularly in view of the absence of any proof that the people were mislead; in view of the fact that the full text of the amendment was published as prescribed by law; in view of the fact that there has not been demonstrated any fraud upon the people in submitting the Amendment No. 1 under the ballot title as presented? It is respectfully suggested that Denver has not met the strong burden of proof imposed upon it and has not demonstrated, beyond a reasonable doubt, that either the ballot title was misleading or that the people were mislead thereby. The ballot title most certainly advised the people that the content of the Amendment No. 1 concerned itself with the prohibition against striking off from Counties, and with the method of annexation by Denver.

The effect or meaning of the amendment to Article XIV, Section 3, is yet to be litigated in the Courts. We may not now prejudge, on the mere issue of a ballot title, as to the meaning of such amendment, absent and actual case or controversy pending before this Court.

III

AMENDMENT NO. 1 IS SEVERABLE AND THE PROVISIONS THEREIN CONTAINED ARE CAPABLE OF STANDING ALONE AND OF BEING GIVEN INDEPENDENT EFFECT.

The provisions of Article XIV, Section 3, as contained in Amendment No. 1, may be excised or severed from the remaining portion of Amendment No. 1 relating to Article XX of the Constitution; said remaining portion of Amendment No. 1 is capable of being given independent effect and can be operative with the void portions eliminated.

Of utmost significance, and seemingly dispositive of the case at issue, is the fact that Amendment No. 1 is severable.

As we understand the argument of Denver, both at the Trial Court level and in this Court, the ballot title mislead and improperly informed the people that the amendment to Article XIV, Section 3, resulted in the prohibition of striking off of counties without first submitting the matter to a vote of the people and without first obtaining a majority vote of those persons voting on such measures; that in fact and in law, the amendatory language of Article XIV, Section 3, authorizes the legislature of the State of Colorado to provide alternate or different methods by which property may be stricken off from counties, and that the people did not realize that fact in voting on Amendment No. 1; that had the people realized, in voting upon Amendment No. 1, that the same empowered the legislature to provide different or alternate means by which property could be stricken off from counties, the people would not have voted in favor of such measure; and, that on account thereof, the people, in voting on Amendment No. 1, were mislead by the ballot title. Assuming, arguendo, that the position

of Denver, as above recited, is correct, then one must conclude that the will of the people, in voting on Amendment No. 1, was to prohibit in all respects the striking off of territories from Counties without having first submitted the matter to a vote of the people and without having first obtained a majority vote of the people voting on such measure. If such was indeed the intention of the people voting on Amendment No. 1, then quite simply that will can be expressed and carried out by this Court by excising from Amendment No. 1, the purported amendment to Article XIV, Section 3. As thus excised, Article XIV, Section 3, stands as it existed before submission of Amendment No. 1 to the people. Prior to passage of Amendment No. 1, Article XIV, Section 3, of the Constitution of Colorado read as follows:

> Section 3. Striking Off Territory - Vote. No part of the territory of any county shall be stricken off and added to an adjoining county, without first submitting the question to the qualified voters of the county from which the territory is proposed to be stricken off; nor unless a majority of all the qualified voters of said county voting on the question shall vote therefor.

That provision, prior to the amendment, absolutely forbade any legislative interference in the method by which territory may be stricken off from Counties, and in all respects required a majority vote of the people in the first instance. The legislature implemented the provisions of Article XIV, Section 3, and recognized the validity and efficacy thereof, in enacting the provisions found in COLO. REV. STAT. ANN. §30-6-105 through 108, relating to the annexation by Counties.

Prior to adoption of Amendment No. 1, and pursuant to the provisions of Article XX of the Constitution of Colorado, the City and County of Denver was entitled to annex property across County boundary lines, in the same manner as other cities of the State of Colorado. The amendatory language

to Article XX requires that henceforth, the City and County may annex only in the same manner as other Counties in the State of Colorado. It is quite clear, and Denver does not question that it was the will of the people in approving Amendment No. 1 to place Denver on the same footing as any other County of the State; it is equally clear and remains unchallenged, that the ballot title to Amendment No. 1 directs itself to that proposition. If Denver is correct in assuming the will of the people in adopting Amendment No. 1 was to require that neither the City and County of Denver, nor any other County of the State of Colorado, could detach territory from another County without first submitting the matter to the vote of the people of the County from which the land is stricken, then indeed, excising the amendment to Article XIV, Section 3, contained within Amendment No. 1 will carry out to the fullest extent such will of the people.

With the amendment to Article XX, as contained in Amendment No. 1, the City and County of Denver is merely placed in the same position as any other County of the State of Colorado, and excising Article XIV, Section 3, has no bearing upon the said amendment to Article XX. Thus, it is clear that in excising the amendment to Article XIV, Section 3, the remaining provisions of Amendment No. 1 are capable of standing on their own, and independent of any remaining portion of the said amendment.

The will of the people is either expressed in a ballot title or in the provisions of the amendment itself. It is the position of Denver herein, that the will of the people is expressed in the ballot title, and for that reason, the ballot title is misleading in that the amendatory provisions to Article XIV, Section 3, are not fully expressed in the ballot title. However, the ballot title, if that be the expression of the people, can be fully implemented and carried out by merely excising the

language relating to Article XIV, Section 3, and leaving all remaining portions of Amendment No. 1 standing.

The rule as to the divisibility of constitutional provisions, a portion of which is held to be void, appears to have been first announced in Colorado in the case of People v. Max, 70 Colo. 100, 198 P. 150 (1921).

> The rule as to the divisibility of a constitutional provision, a portion of which is held void, is the same as that applied to a statute under similar conditions.
>
> > "Where a separation cannot be made, and the invalid provision completely detached and treated as independent, the whole act must be pronounced void." Griffin v. State ex. rel. 119 Ind. 520, 22 N.E. 7.

See also, In re House of Representatives, 157 Colo. 76, 400 P.2d 931 (1965). The law as announced in the Max case, supra, is adopted, implemented and utilized by the Courts in other jurisdictions throughout the United States. For example, in Carpenter v. State, 179 Neb. 628, 139 N.W.2d 541 (1966), it is stated, at page 545 (N.W.2d):

> Where a constitutional amendment is duly and regularly adopted by the electorate with notice on the ballot as to two specific provisions of the amendment, the fact that one of the provisions is unconstitutional, does not invalidate both, where the remaining provision is capable of enforcement alone, and is not dependent upon nor interwoven with the other, and can be operative with the void portions eliminated. Under such circumstances, a Court should not inquire nor attempt to determine what inducement caused the electorate to do what it did. It has been established that each and every clause in the Constitution has been inserted for some useful purpose. (Citing authority). The fact that the provisions was an amendment rather than an original part of the constitution in no sense changes that principle.

In State ex rel. King v. Rhodes , 11 Ohio St.2d 953, 228 N.E.2d 653 (1967), it is stated that:

> The question, of course, is whether these two sections are severable and valid even though other sections of Article XI have been found contrary to the United States Constitution by the Federal Courts.

> It is the duty of a Court to sustain the validity of constitutional provisions if possible. The Constitution is the direct expressed will of the people, and it is the duty of the court to accede to such will if these sections can purposefully stand alone.
>
> The test of severability is whether the remaining parts of the Article, standing alone, and without reference to the unconstitutional sections, can be effective and operable. (Citing authority)

In Long v. Avery, 251 F. Supp. 541 (D.C. Kan 1966), it is stated that:

> Where a part of an amendment to a state constitution is held invalid because it violates the fourteenth amendment to the Federal Constitution, if the parts of the amendment are separable, the valid portions may be saved, unless it is obvious that the intent of the adopters of the amendment was to create one general scheme in an entirety, in which event, if part of the section fails, the whole must fail.

In Dorchy v. Kansas, 44 S. Ct. 323 (19__), Justice Brandeis set forth the following criteria for determining the effect on the remainder of a statute when part is found unconstitutional:

> A statute bad in part is not necessarily void in its entirety. Provisions within the legislative power may stand inseparable from the bad . . . But a provision, inherently objectionable, cannot be deemed separate, unless it appears both that, standing alone, legal affect can be given to it and that the legislature intended the provision to stand, in case others included in the act and held bad should fall.

Again, in Champlin Refining Co. v. Corporation Communications 52 S. Ct. 559 (19__), the United States Supreme Court stated that:

> The unconstitutionality of a part of an act does not necessarily defeat or affect the validity of its remaining provisions. Unless it is evident that the legislature would not have enacted those provisions which are within its power, independently of that which is not, the invalid part may be dropped if what is left is fully operative as a law.

The Champlin case and the Dorchy case were cited with approval in the case of Egan v. Hammond, 502 P.2d 856 (Alaska, 1972), wherein the Court, after quoting from said cases, stated:

These criteria would appear to apply equally to a state constitutional provision as to an act of the legislature.

Cases of like effect are those of Faubus v. Kinney, 239 Ark. 443, 389 S.W.2d 887 (1965), and State ex rel. McLeod v. West, 249 S.C. 243, 153 S.E.2d 892 (1967). See also Kruidenier v. McCulloch, 258 Iowa 1121, 42 N.W.2d 355 (1966), cert. denied 87 S. Ct. 79, Supp. Op. 261 Iowa 1309, 158 N.W.2d 170; 16 AM. JUR. 2d "Constitutional Law" §42 pg. 215.

COLO. REV. STAT. ANN. §2-4-204 (1973), provides as follows:

> Severability of Statutory Provisions. If any provision of a statute is found by a Court of competent jurisdiction to be unconstitutional, the remaining provisions of the statute are valid, unless it appears to the Court that the valid provisions of the statute are so essentially and inseparably connected with, and so dependent upon the validity provision that it cannot be presumed the legislature would have enacted the valid provisions without the void one; or unless the Court determines that the valid provisions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

It has been repeatedly held by this Court, the rule is, that where a portion of a statute is unconstitutional, the remaining portions will be held valid if they are complete in themselves, not dependent upon the void portion, and therefore, can be given legal effect. Covell v. Douglas, 179 Colo. 443, 501 P.2d 1047 (1972); Pike v. School District No. 11 172 Colo. 413, 474 P.2d 162 (1970); School District No. 1 of Morgan County vs. School Planning Committee of Morgan County, 165 Colo. 541, 437 P.2d 787 (1968); Higgins v. Sinock, 129 Colo. 66, 266 P.2d 1112, (1964); Denver V. Lynch, 92 Colo. 102, 18 P.2d, 907 (1932).

Accepting Denver's position for the sake of argument, it seems quite clear that the amendments to Article XIV, Section 3, and Article XX of the Colorado Constitution, as contained in Amendment No. 1, were not interdependent or interrelated. The amendment to Article XX merely places Denver on an equal footing with other Counties of the State of Colorado with respect to the

question of annexation, and requires that the City and County of Denver annex as any other County of the State of Colorado. That expression of the people may be fulfilled without regard to what changes or modifications were made in the amendment to Article XIV, Section 3. If Article XIV, Section 3, remains unamended, then Denver, as all other Counties of the State of Colorado, may not strike off territory from another County and add it to the City and County of Denver, without first submitting the proposition to a vote of the people of the County from which the property is being stricken. Regardless of whether this Court should determine that the amendment to Article XIV, Section 3 be valid or invalid, such determination has no effect upon the amendment to Article XX, as contained in Amendment No. 1. The ultimate determination of the validity of the amendment to Article XIV, Section 3, applies to all Counties equally, including the City and County of Denver, on account of the provisions of the amendment to Article XX.

On account of the foregoing, there could have been no inducement whatsoever (if the position of Denver be accepted) to the people voting on Article XX, in reliance upon the passage of Article XIV, Section 3. For indeed, if the position taken by Denver is true, the will of the people was not actually expressed in the amendment to Article XIV, Section 3, and thus, there could have been no inducement whatsoever to the passage of Article XX. It is crystal clear that the two amendments, as contained in Amendment No. 1, are totally unrelated, Article XX merely subjecting the City and County of Denver to the provisions of Article XIV, Section 3, however it may now exist, or hereafter in the future be amended.

IV

THERE EXISTS NO CONFLICT BETWEEN AMENDMENT NO. 1 AND AMENDMENT NO. 5.

Cherry Creek School District No. 5 adopts herein, by this specific reference as if herein set forth in full, the position of Arapahoe County in Argument IV of its Brief herein, and the position of Jefferson County in Argument IV of its Brief herein.

C O N C L U S I O N

Cherry Creek School District No. 5 respectfully submits unto this Court that the provisions of COLO. REV. STAT. ANN. §1-40-101 (1973) are unconstitutional in that such provisions unduly burden, and indeed thwart the reserved right of the people to the initiative process, as contained in Article V, Section 1 of the Constitution of Colorado. Thus, there is no requirement, either by statute or by Constitution, that a proposed initiated measure bear a ballot title which be anything other than directive to the measure being considered by the people, sufficient to identify it and distinguish it from other measures being voted upon at the same election. Therefore, Amendment No. 1 is valid in its entirety.

If this Court should determine that a ballot title was required for Amendment No. 1, which correctly and fairly expresses the true intent and meaning of the amendment, it must be determined that the ballot title affixed to Amendment No. 1 spoke to both the question of striking off of territory by Counties, and of requiring that the City and County of Denver be required to annex as any other County of the State of Colorado. Further, in view of the wide publicity attendant to Amendment No. 1; in view of the strong presumption of validity of a constitutional amendment when attacked after its ratification by the people at the polls; and in view of the requirement that the invalidity of a constitutional amendment must be demonstrated beyond a reasonable doubt, it is clear that the attack upon Amendment No. 1 based upon the alleged insufficiency, or deficiency of the ballot title cannot be sustained.

If the ballot title is defective in any respect, and if it was misleading in any respect, such defect or misleading aspect must relate to the amendment to Article XIV, Section 3,

of the Colorado Constitution as contained in Amendment No. 1. The amendment to Article XIV, Section 3 may be excised or severed from Amendment No. 1, and Amendment No. 1 with such portion excised, may stand alone and be given full force and effect as the expression of the will of the people in approval of the same. If the assertion by Denver that the people were mislead is correct, then such misleading aspect may be overcome and the full expression of the people preserved by excising Article XIV, Section 3 from Amendment No. 1.

Last, it is clear that Amendment No. 1 and Amendment No. 5 are not in conflict, neither authorizing what the other orbids nor forbidding what the other authorizes.

RESPECTFULLY SUBMITTED,
BANTA & EASON, P.C.

By _____
Tom L. Eitel #1474
Attorney for Cherry Creek School
District No. 5, Intervenor - Appellee
900 First National Bank Bldg.
333 West Hampden Ave.
Englewood, Colorado 80110
Phone: 761-8940

CERTIFICATE OF MAILING

I hereby certify that I mailed a copy of the foregoing Brief of Cherry Creek School District No. 5, Intervenor-Appellee, sufficient postage prepaid, this 22 day of November 1976 to:

Douglas G. McKinnon
City Attorney
609 West Littleton Blvd.
Littleton, Colorado 80120

Ronald S. Loser
County Attorney
709 West Littleton Blvd.
Littleton, Colorado 80120

J. D. MacFarlane
Attorney General
Jean E. Dubofsky
Deputy Attorney General
State Capitol
Denver, Colorado 80203

David J. Hahn
Attorney at Law
515 Western Federal Savings Bldg.
Denver, Colorado 80202

George J. Robinson
Special Counsel
6610 West 14th Avenue
Lakewood, Colorado 80214

S. Morris Lubow
County Attorney
Adams County Courthouse
Brighton, Colorado 80601

Sam Telep
County Attorney
Weld County Courthouse
Greeley, Colorado 80631

Earl L. Dazey
County Attorney
P. O. Box 637
Castle Rock, Colorado 80104

Joseph C. French
County Attorney
720 Pearl Street
Boulder, Colorado 80302

John M. Yeager
County Attorney
Gilpin County Courthouse
Central City, Colorado 80427

William W. McNeill
County Attorney
Clear Creek County Courthouse
Georgetown, Colorado 80444

Norman A. Palermo
Attorney at Law
Fifth Floor
Pikes Peak Building
Colorado Springs, Colorado 80903

Leland Coulter
City Attorney
1470 Emporia Street
Aurora, Colorado 80010

Raymond C. Johnson
City Attorney
1455 Ammons Street
Lakewood, Colorado 80215

Herman J. Atencio
Assistant City Attorney
353 City and County Bldg.
Denver, Colorado 80202

Kathy Ashley