

Dated: August 16, 2013

TO:

Ms. Teresa G. Andrews
Loveland City Clerk
500 E. Third St., Ste 230
Loveland, Colorado 80537

RECEIVED

AUG 16 2013

CITY CLERKS OFFICE
LOVELAND, CO

FROM:

Mr. Larry Sarner
Registered Loveland Elector
711 W. 9th Street
Loveland, CO 80537-4669

**PROTEST PURSUANT TO C.R.S. § 31-11-110
TO PROTECT OUR LOVELAND'S PETITION IN SUPPORT OF A BALLOT MEASURE SEEKING
AN ORDINANCE ENTITLED:
"LOVELAND PUBLIC HEALTH, SAFETY AND WELLNESS ACT"**

I. INTRODUCTION

Pursuant to Colorado Revised Statute § 31-11-110, I, Larry Sarner, being first duly sworn, hereby protest Protect Our Loveland's ("POL") petition in support of the inclusion of a ballot measure on the City of Loveland's November 5, 2013 municipal ballot seeking the passage of an ordinance entitled "Loveland Public Health, Safety and Wellness Act" (the "Petition").

I am a resident of the City of Loveland ("Loveland"), Colorado. I reside at 711 W. 9th Street, Loveland, CO 80537-4669. I am currently a registered Loveland elector and have been a registered Loveland elector for over 35 years.

This protest is directed to Ms. Teresa G. Andrews in her capacity as the Clerk for the City of Loveland (the "Clerk"). By letter of July 23, 2013, the Clerk found POL's Petition sufficient. In this same letter, the Clerk gave those wishing to protest the Petition until August 16, 2013 to present their challenges (the "Determination of Sufficiency"). This protest is therefore timely. It is my position that the Clerk's Determination of Sufficiency is in error. Specifically, I believe that the Petition should be rejected due to the following problems:

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www.holsingerlaw.com Denver, CO 80202

1. The Petition contains too many subject-matters to be considered valid under Loveland's single-subject rule;
2. The Petition improperly seeks to become effective retroactively;
3. Too few signatures properly adhering to the standards set forth under Colorado law were submitted to the Clerk in support of the Petition; and
4. The matters addressed in the Petition are already covered by existing State-wide laws.

II. PROBLEMS WITH THE PETITION

Problem 1: Violation of Single-Subject Rule

First, while Section 7-7 of the Loveland City Charter ("Charter") specifically limits the matters that may be addressed in a ballot measure to a "single-subject," the Petition addresses a number of different, unrelated, and potentially incompatible subjects. These will make it difficult for voters to determine what they are voting for or against.

On its face, the Petition states that it is intended to address five different subject-matters:

1. Inalienable civil rights;
2. Property values and associated aesthetics;
3. Public health, safety, and welfare;
4. Environmental and wildlife protection; and
5. Technology employed by the oil and gas industry.

It is not difficult to imagine a situation where these subject-matters might not be compatible or come into conflict. For example, what if a voter is firmly in favor of protecting aesthetics, but also believes the State is in a better position than the local government to protect the environment and wildlife? As it is structured, a voter need only agree with the aesthetics aspect of the Petition to feel compelled to vote for the Petition even though they disagree with regulation of the environment and wildlife by the local government.

Even within the most simple and discrete of the subject-matters listed above – the

technology employed by the oil and gas industry –involves a number of potentially incongruous subject-matters, including:

1. Injection of non-native water into underground formations;
2. The methods used in hydraulic fracturing fluids;
3. Storage of waste products from hydraulic fracturing operations; and
4. Disposal of waste products from hydraulic fracturing operations.

Here again, a voter may face a conflict when voting for or against the ballot measure due to the existence of multiple subject-matters. For example, what if a voter is opposed to surface disposal of waste products from hydraulic fracturing operations, but is in favor of disposal by underground injection because they believe it is the safest and most environmentally sound? How is this voter supposed weigh the ballot measure when its breadth and lack of specificity precludes the consideration of such nuances?

Finally, several subject-matters appear within the Petition that are nothing less than red-herrings, the inclusion of which leaves me with nothing but questions, as outlined below:

1. The Petition mentions the State of Colorado’s intention to study the risks posed by hydraulic fracturing and unconventional oil and gas development.
 - a. The Petition never actually makes it clear – what study and who is going to do the study: the State or Loveland?
 - i. If the Petition anticipates the State undertaking the study, what if the State never starts or completes the study, the State’s results are inconclusive, or Loveland disagrees with the State’s method or outcome?
 - ii. If the Petition anticipates Loveland undertaking the study, where is the City going to get the resources to afford the study? Are the voters committing to funding the study if they approve the ballot measure (is this a tax?)?
 - b. Who decides what to do with the study’s results?
 - c. Is “studying” the effects of hydraulic fracturing just ruse to place a moratorium on hydraulic fracturing, which effectively puts a moratorium on drilling oil and gas wells?
2. The Petition provides that the ballot measure can be lifted upon another ballot measure approved by the people of Loveland.
 - a. Why is there a separate way to remove the ballot measure when there is

- already a mechanism provided in the Charter that is intended for this purpose? Is this provision intended to replace the mechanism in the Charter and effectively amend a different provision of the Charter?
- b. If the ballot measure is approved and implemented but then lifted by a subsequent ballot measure, what happens to the study that already commenced while the ballot measure was in place: is the study halted, what happens to the resources allocated for the study, and/or are the results of the study (if any) ignored?
3. Lastly, Section 4 of the Petition provides that the ballot measure shall apply retroactively as of the date the measure was found to have qualified for placement on the ballot.
- a. Does this mean that the moratorium expires: two-years from the Determination of Sufficiency; conclusion of the hearing resulting from this protest; upon the ruling of a court on the results of the hearing; or when/if the ballot measure passes pursuant to the election?
 - b. What does this retroactivity mean for existing oil and gas operations? For example, if operations began before whenever the ballot measure “becomes qualified to be placed on the ballot,” but the resources have yet to be recovered after (if) the ballot measure is approved, must the resources be left in place and the waste not disposed of because it would violate the moratorium?

The inclusions of these red-herrings create another set of potential conflicts for voters trying to do nothing more than vote their conscience. What if a voter is in favor of study of hydraulic fracturing by the State and/or Loveland (as the case may be) because they believe more information results in better regulation, but also disagrees with the portion of the Petition that contains the moratorium? Or if a voter favors the goal of the Petition, but believes that the result of the retroactive application would do more harm than good? How is a voter supposed to objectively evaluate the Petition when these red-herrings raise unanswerable questions that could have consequences no well-meaning voter intended or foresaw?

Problem 2: Invalid Retroactive Application

Second, in addition to the fact that I believe it renders the Petition impossible for a voter to understand and could lead to unintended consequences, I am particularly troubled by the intent of the Petition to be retroactively effective from a democratic standpoint. As discussed above, it is impossible to ascertain exactly when the moratorium would start

if the ballot measure is successful. Apparently, the moratorium could be effective as early as the Determination of Sufficiency, July 23, 2013. This is just under five months before the measure will actually be put to a vote. In essence, this means that a change in law could be affected not upon a vote of the majority of the people of Loveland, but upon the signatures of only 5% of its voters. This is not how the democratic process is intended to work. Furthermore, retroactive application is strongly disfavored by the law¹ and may expose Loveland to litigation based on taking and interference with contract, among other legal claims.

Problem 3: Insufficient Signatures

Third, POL failed to submit a sufficient number of signatures in support of the Petition that meet the standards set forth under Colorado law.

However, before addressing specific defects with respect to the signatures, I must express my disagreement with the calculation used to determine the number of signatures needed to support the Petition. According to the Charter, in order to support a Petition, the proponents must submit a number of signatures that is “at least five (5) percent of the total number of electors of the City registered to vote.” Charter at Section 7-1(b). I believe that 5% of the total electors needed to support the Petition should be approximately 2,423, not 2,253 signatures. My belief is based on my understanding that there were actually approximately 48,441 people registered to vote as of May 21, 2013 (the relevant date for determining the number of signatures), not 45,044 people. I understand that the difference is due to the fact that inactive voters were excluded from the lower number. These voters should not have been excluded because they are still registered voters and may participate in the voting process regardless of their designation as active or inactive. C.R.S. § 1-2-605(3). Excluding inactive voters would be to discount their rights to participate in the democratic process.

The signatures submitted in support of the Petition contained a number of problems that render them insufficient under Colorado law.² The table below summarizes the insufficiencies identified:

¹ See e.g., *Plaut v. Spendthrift Farm*, 115 S. Ct. 1447, 1456 (1995).

² It should be noted that the signatures the Clerk found to be insufficient in her review were not double-checked for sufficiency, but rather assumed to be insufficient consistent with the Clerk’s findings.

Requirement	Insufficiency	Number of insufficient signatures ³
<p>C.R.S. § 31-11-106(3)(e)(I): Following the signature pages of each petition section, there shall be attached a signed, notarized, and dated affidavit executed by the person who circulated that petition section which shall include the following: (A) The affiant's printed name, the address at which the affiant resides, including street name and number, the municipality, the county, and date the affiant signed the affidavit.</p>	Date of circulator's affidavit does not match the date of notarization	82
	Notary did not correctly identify the affiant in the section, "Subscribed and sworn to before me... by _____."	221
	Notary did not adhere to Colorado Notary Public Law. C.R.S. § 12-55-101 <i>et seq.</i>	187
	Circulator's affidavit does not include the municipality in which the affiant resides.	7
<p>C.R.S. § 31-11-108: "Any initiative or referendum petition shall be signed only by registered electors who are eligible to vote on the measure."</p>	Signatures not found on, or do not match the list of registered City of Loveland electors provided by the Larimer County Election Department	16
<p>C.R.S. § 31-11-108: "Each registered elector shall sign his or her own signature and shall print his or her name, the address at which he or she resides, including the street number and name, the city or town, the county, and the date of signing."</p>	Signature information incomplete or illegible impeding the identification or determination of eligibility of electors	32

³ Pursuant to C.R.S. § 31-11-110(1), signatures being challenged are identified by section and line number in the attached APPENDIX A.

C.R.S. § 31-11-114: “(1) It is unlawful: (b) For any person to sign any name other than his or her own name to any petition or knowingly to sign his or her name more than once for the same measure at one election..”	Signator signed his or her name more than once for the same measure	2
Loveland Charter § 7-1(c): “The City Clerk shall not count as valid any signature on an initiative petition if the date of the signature is prior to the date the form of the petition was approved by the City Clerk.”	Date of signature is prior to the approval of the form of the petition or the date is incomplete or illegible, impeding the determination of sufficiency of the date of the signature	11
Total insufficient signatures		558

For a break-down of each signature challenged, please refer to the attached spreadsheet (“**APPENDIX A**”), which identifies each insufficient signature and its related defect by section and line number.

On July 8, 2013, POL submitted approximately 3,704 signatures in support of the Petition. The Clerk reviewed these petitions and determined that only 2,743 signatures were sufficient. Based on review, there appear to be another 558 signatures that are also insufficient. Thus, by my calculation, POL only submitted 2,185 valid signatures in support of the Petition. This number is below the number of signatures needed under the Charter’s 5% requirement – regardless of whether it is calculated based on the number including (2,423) or not including (2,253) inactive voters.

Problem 4: Pre-emption by State Statute

Finally, this Petition strays into an area of the law meant to be governed by the State, not local governments. In proposing this Petition, POL is essentially inviting the State to initiate litigation against Loveland. Consequently, if this ballot measure is successful, it will lead to the expenditure of Loveland’s limited municipal resources on litigation, when they could be more beneficially and effectively applied elsewhere.

Appendix A

PROTEST PURSUANT TO C.R.S. § 31-11-110 TO PROTECT OUR LOVELAND'S PETITION IN SUPPORT OF
A BALLOT MEASURE SEEKING AN ORDINANCE ENTITLED: "LOVELAND PUBLIC HEALTH, SAFETY AND
WELLNESS ACT"

C.R.S. § 31-11-106. Form of petition sections

REQUIREMENT: (3)(e)(I) "Following the signature pages of each petition section, there shall be attached a signed, notarized, and dated affidavit executed by the person who circulated the petition section..."

INSUFFICIENCY: The following Petition signatures are insufficient because the circulator's affidavit date does not match the date of notarization.

<i>Section</i>	<i>Line</i>	<i>Notes</i>
21	2	Insufficient affidavit
21	3	Insufficient affidavit
21	4	Insufficient affidavit
21	5	Insufficient affidavit
21	7	Insufficient affidavit
21	8	Insufficient affidavit
21	9	Insufficient affidavit
21	10	Insufficient affidavit
21	11	Insufficient affidavit
21	12	Insufficient affidavit
21	13	Insufficient affidavit
21	14	Insufficient affidavit
21	15	Insufficient affidavit
21	16	Insufficient affidavit
21	17	Insufficient affidavit
21	18	Insufficient affidavit
21	19	Insufficient affidavit
21	20	Insufficient affidavit
21	21	Insufficient affidavit
21	22	Insufficient affidavit
21	24	Insufficient affidavit
21	25	Insufficient affidavit
21	26	Insufficient affidavit

21	28	Insufficient affidavit
21	29	Insufficient affidavit
21	30	Insufficient affidavit
21	31	Insufficient affidavit
21	32	Insufficient affidavit
79	1	Insufficient affidavit
79	3	Insufficient affidavit
79	4	Insufficient affidavit
79	8	Insufficient affidavit
79	10	Insufficient affidavit
79	11	Insufficient affidavit
79	13	Insufficient affidavit
79	14	Insufficient affidavit
79	15	Insufficient affidavit
79	16	Insufficient affidavit
79	17	Insufficient affidavit
79	18	Insufficient affidavit
79	19	Insufficient affidavit
80	1	Insufficient affidavit
80	2	Insufficient affidavit
80	3	Insufficient affidavit
80	4	Insufficient affidavit
80	5	Insufficient affidavit
80	6	Insufficient affidavit
80	8	Insufficient affidavit
80	9	Insufficient affidavit
80	10	Insufficient affidavit
80	12	Insufficient affidavit
80	13	Insufficient affidavit
80	15	Insufficient affidavit
80	16	Insufficient affidavit
80	17	Insufficient affidavit
80	19	Insufficient affidavit
80	20	Insufficient affidavit
80	21	Insufficient affidavit

80	22	Insufficient affidavit
80	23	Insufficient affidavit
80	24	Insufficient affidavit
80	25	Insufficient affidavit
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80	27	Insufficient affidavit
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80	30	Insufficient affidavit
80	31	Insufficient affidavit
80	32	Insufficient affidavit
80	34	Insufficient affidavit
80	35	Insufficient affidavit
80	36	Insufficient affidavit
80	37	Insufficient affidavit
80	38	Insufficient affidavit
80	39	Insufficient affidavit
80	40	Insufficient affidavit
80	41	Insufficient affidavit
80	42	Insufficient affidavit
80	43	Insufficient affidavit
80	44	Insufficient affidavit
80	45	Insufficient affidavit
80	46	Insufficient affidavit
80	48	Insufficient affidavit
80	49	Insufficient affidavit
80	50	Insufficient affidavit
80	51	Insufficient affidavit
80	52	Insufficient affidavit
80	53	Insufficient affidavit

INSUFFICIENCY: The following Petition signatures are insufficient because the notary did not correctly identify the affiant in the section, "Subscribed and sworn to before me... by _____."

<i>Section</i>	<i>Line</i>	<i>Notes</i>
28	1	Insufficient affidavit
28	2	Insufficient affidavit

28	3	Insufficient affidavit
28	4	Insufficient affidavit
28	6	Insufficient affidavit
28	7	Insufficient affidavit
28	8	Insufficient affidavit
28	9	Insufficient affidavit
28	10	Insufficient affidavit
28	12	Insufficient affidavit
28	14	Insufficient affidavit
28	15	Insufficient affidavit
28	16	Insufficient affidavit
28	17	Insufficient affidavit
28	19	Insufficient affidavit
28	20	Insufficient affidavit
28	25	Insufficient affidavit
28	26	Insufficient affidavit
28	27	Insufficient affidavit
28	28	Insufficient affidavit
28	30	Insufficient affidavit
28	32	Insufficient affidavit
28	33	Insufficient affidavit
28	34	Insufficient affidavit
28	35	Insufficient affidavit
28	36	Insufficient affidavit
28	37	Insufficient affidavit
28	38	Insufficient affidavit
28	39	Insufficient affidavit
28	40	Insufficient affidavit
28	42	Insufficient affidavit
28	44	Insufficient affidavit
28	45	Insufficient affidavit
28	46	Insufficient affidavit
28	47	Insufficient affidavit
34	2	Insufficient affidavit
34	4	Insufficient affidavit

34	5	Insufficient affidavit
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34	16	Insufficient affidavit
34	17	Insufficient affidavit
34	19	Insufficient affidavit
37	2	Insufficient affidavit
37	3	Insufficient affidavit
37	4	Insufficient affidavit
37	5	Insufficient affidavit
37	6	Insufficient affidavit
37	7	Insufficient affidavit
37	8	Insufficient affidavit
37	10	Insufficient affidavit
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37	12	Insufficient affidavit
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37	16	Insufficient affidavit
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65	44	Insufficient affidavit
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86	25	Insufficient affidavit
86	26	Insufficient affidavit
86	28	Insufficient affidavit
91	1	Insufficient affidavit
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91	4	Insufficient affidavit
91	5	Insufficient affidavit
107	1	Insufficient affidavit
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117	23	Insufficient affidavit
117	24	Insufficient affidavit
117	26	Insufficient affidavit
117	27	Insufficient affidavit
117	28	Insufficient affidavit
117	29	Insufficient affidavit
117	32	Insufficient affidavit
117	33	Insufficient affidavit
117	34	Insufficient affidavit
127	1	Insufficient affidavit
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127	5	Insufficient affidavit
127	6	Insufficient affidavit

127	7	Insufficient affidavit
127	8	Insufficient affidavit
127	9	Insufficient affidavit
127	10	Insufficient affidavit
130	2	Insufficient affidavit
130	3	Insufficient affidavit
130	4	Insufficient affidavit
130	5	Insufficient affidavit

INSUFFICIENCY: The following Petition signatures are insufficient because the notary did not adhere to Colorado Notary Public Law, C.R.S. § 12-55-101, *et seq.*: Notary's handwritten commission expiration date indicates that their commission has expired.

121	1	Insufficient affidavit
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INSUFFICIENCY: The following Petition signatures are insufficient because the notary did not adhere to Colorado Notary Public Law, C.R.S. § 12-55-101, *et seq.*: the notary stamp is not affixed as required by C.R.S. § 12-55-112(2).

41	1	Insufficient affidavit
41	2	Insufficient affidavit
41	3	Insufficient affidavit
41	4	Insufficient affidavit
41	5	Insufficient affidavit
41	6	Insufficient affidavit
41	7	Insufficient affidavit
41	9	Insufficient affidavit
41	10	Insufficient affidavit
41	11	Insufficient affidavit
41	12	Insufficient affidavit
41	14	Insufficient affidavit
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41	39	Insufficient affidavit
41	40	Insufficient affidavit
41	41	Insufficient affidavit
41	48	Insufficient affidavit
41	49	Insufficient affidavit
41	52	Insufficient affidavit
92	1	Insufficient affidavit
92	2	Insufficient affidavit
92	3	Insufficient affidavit
92	4	Insufficient affidavit
92	5	Insufficient affidavit
92	6	Insufficient affidavit
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92	9	Insufficient affidavit
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92	43	Insufficient affidavit
92	45	Insufficient affidavit
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92	47	Insufficient affidavit
92	48	Insufficient affidavit
92	49	Insufficient affidavit
92	50	Insufficient affidavit
92	51	Insufficient affidavit
92	52	Insufficient affidavit
92	53	Insufficient affidavit

INSUFFICIENCY: The following Petition signatures are insufficient because the notary did not adhere to Colorado Notary Public Law, C.R.S. § 12-55-101, *et seq.*: the notary stamp does not meet requirements of C.R.S. § 12-55-112(2)(a-c)

<i>Section</i>	<i>Line</i>	<i>Notes</i>
25	1	Insufficient affidavit

25	2	Insufficient affidavit
25	3	Insufficient affidavit
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25	50	Insufficient affidavit
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128	9	Insufficient affidavit
128	10	Insufficient affidavit
128	13	Insufficient affidavit
128	14	Insufficient affidavit
128	16	Insufficient affidavit
128	19	Insufficient affidavit
128	20	Insufficient affidavit
128	22	Insufficient affidavit
128	23	Insufficient affidavit
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128	27	Insufficient affidavit
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128	30	Insufficient affidavit
128	31	Insufficient affidavit
128	32	Insufficient affidavit
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128	34	Insufficient affidavit
128	35	Insufficient affidavit
128	39	Insufficient affidavit
128	40	Insufficient affidavit
128	41	Insufficient affidavit
128	42	Insufficient affidavit
128	45	Insufficient affidavit
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128	49	Insufficient affidavit
128	50	Insufficient affidavit
128	51	Insufficient affidavit
128	52	Insufficient affidavit
128	53	Insufficient affidavit
133	2	Insufficient affidavit
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133	4	Insufficient affidavit
133	5	Insufficient affidavit
133	6	Insufficient affidavit
133	7	Insufficient affidavit
133	12	Insufficient affidavit
133	13	Insufficient affidavit
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133	19	Insufficient affidavit
133	20	Insufficient affidavit
133	21	Insufficient affidavit
133	23	Insufficient affidavit
133	24	Insufficient affidavit
133	25	Insufficient affidavit
133	27	Insufficient affidavit
133	30	Insufficient affidavit
133	31	Insufficient affidavit
133	32	Insufficient affidavit
133	33	Insufficient affidavit
133	36	Insufficient affidavit
133	37	Insufficient affidavit
133	38	Insufficient affidavit
133	39	Insufficient affidavit
133	40	Insufficient affidavit

REQUIREMENT: (3)(e)(I) "[Affidavit shall include] (A) The affiant's printed name, the address at which the affiant resides, including the street name and number, the municipality, the county, and the date the affiant signed the affidavit..."

INSUFFICIENCY: The following Petition signatures are insufficient because the circulator's affidavit does not include the municipality in which the affiant resides.

<i>Section</i>	<i>Line</i>	<i>Notes</i>
32	2	Insufficient affidavit
32	3	Insufficient affidavit
32	5	Insufficient affidavit
32	6	Insufficient affidavit
32	7	Insufficient affidavit
32	8	Insufficient affidavit
32	9	Insufficient affidavit

C.R.S. § 31-11-108. Signatures

REQUIREMENT: "Any initiative or referendum petition shall be signed only by registered electors who are eligible to vote on the measure."

INSUFFICIENCY: The following Petition signatures are insufficient because they were not found on, or do not match the list of registered City of Loveland electors provided by the Larimer County Election Department.

<i>Section</i>	<i>Line</i>	<i>Notes</i>
23	14	Incorrect street address
29	21	Incorrect county
31	49	Incorrect street address
38	2	Incorrect street address
38	35	Incorrect street address
40	14	Name not found on list
53	32	Name not found on list
57	31	Name not found on list
63	7	Name not found on list
88	36	Incorrect county
88	37	Incorrect county
96	4	Incorrect street address
103	17	Incorrect street address
109	7	Incorrect street address
116	8	Incorrect city
132	4	Name not found on list

REQUIREMENT: "Each registered elector shall sign his or her own signature and shall print his or her name, the address at which he or she resides, including the street number and name, the city or town, the county, and the date of signing."

INSUFFICIENCY: The following Petition signatures are insufficient because incomplete or illegible information impedes the identification or determination of eligibility of electors.

<i>Section</i>	<i>Line</i>	<i>Notes</i>
3	17	No printed name
5	20	Illegible
5	36	Illegible
5	43	Illegible
8	10	Two printed names
14	6	Illegible

30	38	Illegible city, county, date
33	47	Illegible county, date
35	15	Illegible
40	40	Illegible county
40	49	Illegible
40	50	Illegible county
56	6	No county
68	10	Illegible
68	20	Illegible county
69	19	Illegible
81	1	Illegible
81	35	Illegible
88	21	No county
90	13	Illegible
90	23	No county
96	6	No county
97	21	No county
102	14	Incomplete name
103	33	Illegible
105	6	No county
116	10	Illegible
120	23	Illegible
124	9	Illegible
126	6	Illegible county
129	8	Illegible
138	6	No county

REQUIREMENT: "In the event a registered elector is physically disabled or is illiterate and wishes to sign the petition, the elector shall sign or make his or her mark in the space so provided. Any person, but not a circulator, may assist the disabled or illiterate elector in completing the remaining information required by this section. The person providing assistance shall sign his or her name and address and shall state that such assistance was given to the disabled or illiterate elector."

INSUFFICIENCY: The following Petition signature is insufficient because the "remaining information" was not filled in by the signator, and the person providing assistance did not sign his or her name, address, or state that such assistance was given.

<i>Section</i>	<i>Line</i>	<i>Notes</i>
88	38	The "remaining information" was apparently filled-in by the signator of Section 88, Line 39.

C.R.S. § 31-11-114. Unlawful acts--penalty

REQUIREMENT: "(1) It is unlawful: (b) For any person to sign any name other than his or her own name to any petition or knowingly to sign his or her name more than once for the same measure at one election."

INSUFFICIENCY: The following Petition signatures are insufficient because the signator signed his or her name more than once for the same measure.

<i>Section</i>	<i>Line</i>	<i>Notes</i>
9	44	Duplicate of signature in Section 9, Line 35
106	3	Duplicate of signature in Section 25, Line 16

Loveland Charter, Article 7. Initiative, referendum, and recall

REQUIREMENT: § 7-1 (c) "The City Clerk shall not count as valid any signature on an initiative petition if the date of the signature is prior to the date the form of the petition was approved by the City Clerk."

INSUFFICIENCY: The following Petition signatures are insufficient because the date of the signature is prior to approval of the form of the Petition or the date is incomplete or illegible, impeding the determination of sufficiency of the date of the signature.

<i>Section</i>	<i>Line</i>	<i>Notes</i>
35	8	Illegible date
46	1	Incomplete date
82	51	Incomplete date
82	52	Incomplete date
88	7	Date before approval of form of Petition
93	6	Date before approval of form of Petition
104	6	Incomplete date
104	7	Incomplete date
104	8	Incomplete date
104	9	Incomplete date
104	32	Incomplete date