

Subject: Re: House Judiciary 2023

From: "Rep. Elisabeth Epps" <[REDACTED]>

To: ITHelp.GA@coleg.gov,"Rep. Julie McCluskie" <[REDACTED]>

Cc: Jennifer Bacon <[REDACTED]> Mike Weissman <[REDACTED]>

Date Sent: Tuesday, January 30, 2024 1:22:42 PM GMT-07:00

Date Received: Tuesday, January 30, 2024 1:22:54 PM GMT-07:00

Indeed. My thanks to who(m?)ever made sure that was handled. Particular thanks for the care paid to extraordinary session.

EHE

On Sun, Jan 28, 2024 at 10:38 AM Rep. Julie McCluskie <[REDACTED]> wrote:

Hello, I have reviewed the website this morning and see the correction has been made to both 2023 Regular Session and 2023 Extraordinary Session versions of the House Judiciary Committee.

Thank you.

Julie McCluskie
Speaker of the Colorado House of Representatives
State Representative for HD-13
Office: 303-866-2952
Cell: [REDACTED]
Julie.McCluskie.house@coleg.gov

On Wed, Jan 24, 2024 at 8:43 AM Rep. Elisabeth Epps <[REDACTED]> wrote:

Good morning.

Representative Bob Marshall and I were members of House Judiciary committee for the entirety of the First Regular Session (2023) of the 74th General Assembly.

I see that Rep. Marshall and I have both been removed entirely from the public record of service on House Judiciary Committee. Three recent appointees erroneously appear in the record instead.

In order to be accurate, for 2023:

1. **Add** Reps. Epps, Marshall.
2. **Remove** Reps. Herod, Amabile, Mabrey - none of whom served as standing members of House Judiciary in 2023.*

[*While the latter two served as ~one-time substitutes, those substitutions were single day(s) only. Having reviewed all committee public records, I see no other occasional substitute legislators listed as committee members.]

We know that it is possible to reflect different committee membership composition for different years/regular sessions of the 74th General Assembly, because Rep. Sharbini is listed as a committee member for 2023, but not 2024. See (*links + attached*):

- House Judiciary 2023: <https://leg.colorado.gov/committees/judiciary/2023-regular-session-0>

- House Judiciary 2024: <https://leg.colorado.gov/committees/judiciary/2024-regular-session-0>

Will you please fix this?

I expect the website erasure was unintentional, but even if an inadvertent omission, that public oversight cuts deeply, especially given the racist and retaliatory basis of my removal from the committee itself.

Thank you.
EHE



Colorado General Assembly (/)

 [Committee Audio \(/committee/audio/2553006\)](/committee/audio/2553006)  [Share](#)

HOUSE COMMITTEE OF REFERENCE

Judiciary

VIEW BY SESSION 2023 Regular Session

SUBJECTS: Children & Domestic Matters, Civil Law, Courts & Judicial, Crimes, Corrections, & Enforcement

The House Judiciary Committee considers matters concerning courts and judges, civil liberties, Colorado's constitution, revision of the Colorado Revised Statutes, the correctional system and prison facilities, juvenile justice, and homeland security. The committee also has legislative oversight responsibility for the Department of Corrections, the Department of Law, the Department of Public Safety, and the Judicial Branch.

[Committee Documents \(https://leg.colorado.gov/content/hjud2023acommdocs\)](https://leg.colorado.gov/content/hjud2023acommdocs) 

[SMART Government Act Hearings \(https://leg.colorado.gov/content/hjud2023asmartact\)](https://leg.colorado.gov/content/hjud2023asmartact) 

COMMITTEE INFORMATION

MEETING DAYS

Tuesday | 1:30 PM

HCR 0112

Wednesday | 1:30 PM

HCR 0112

STAFF CONTACTS

Bo Pogue

[303-866-5390 \(tel:303-866-5390\)](tel:303-866-5390)

COMMITTEE MEMBERS



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[Mike Weissman](/legislators/mike-weissman) (</legislators/mike-weissman>).
Chair



Representative
[Jennifer Bacon](/legislators/jennifer-bacon) (</legislators/jennifer-bacon>).
Vice Chair



Representative
[Judy Amabile](/legislators/judy-amabile) (</legislators/judy-amabile>).



Representative
[Ryan Armagost](/legislators/ryan-armagost) (</legislators/ryan-armagost>).



Representative
[Gabe Evans](/legislators/gabe-evans) (</legislators/gabe-evans>).



Representative
[Lorena Garcia](/legislators/lorena-garcia) (</legislators/lorena-garcia>).



Representative
[Leslie Herod](/legislators/leslie-herod) (</legislators/leslie-herod>).



Representative
[Stephanie Luck](/legislators/stephanie-luck) (</legislators/stephanie-luck>).



Representative
[Javier Mabrey](/legislators/javier-mabrey) (</legislators/javier-mabrey>).



Representative
[Said Sharbini \(/legislators/said-sharbini\)](/legislators/said-sharbini)



Representative
[Marc Snyder \(/legislators/marc-snyder\)](/legislators/marc-snyder)



Representative
[Matt Soper \(/legislators/matt-soper\)](/legislators/matt-soper)



Representative
[Steven Woodrow \(/legislators/steven-woodrow\)](/legislators/steven-woodrow)

Committee Activity

[05/07/2023](#) (1)



[Committee Summary \(/content/hjud2023a-05072023-052354-pm-committee-summary\)](/content/hjud2023a-05072023-052354-pm-committee-summary)

HEARING ITEM	ACTIONS	DOCUMENTS/LINKS
SB23-158 (/bills/sb23-158)	Postponed Indefinitely	Committee Report (https://leg.colorado.gov/sites/default/files/2023a_sb158_h_jud_001.pdf) Hearing Summary Document (/content/3002088fb9122661872589a80080a3a4-hearing-summary)

[05/05/2023](#) (2)



[05/02/2023](#) (9)



[04/27/2023](#) (5)



[04/25/2023](#) (5)



[04/19/2023](#) (2)



[04/18/2023](#) (7)



[04/12/2023](#) (5)



[04/11/2023](#) (4)



[04/05/2023](#) (5)



1 [Next \(?page=2#block-cga-committees-committee-activity\)](#) >



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RESOURCES & INFORMATION

[Capitol Security Protocol \(/node/580141/\)](/node/580141/)

[Colorado Open Records Act Maximum Hourly Research and Retrieval Fee \(https://leg.colorado.gov/node/1669596/\)](https://leg.colorado.gov/node/1669596/)

[Legislative Resources & Requirements \(/legislative-resources-requirements\)](/legislative-resources-requirements)

[Legislative Workplace Study \(/publications/legislative-workplace-study\)](/publications/legislative-workplace-study)

[Rules & Regulations of Executive Agencies \(/executive-agency-rules-regulations\)](/executive-agency-rules-regulations)

[Salaries for Legislators, Statewide Elected Officials, and County Officers \(https://leg.colorado.gov/agencies/legislative-council-staff/salaries-legislators-and-county-officers\)](https://leg.colorado.gov/agencies/legislative-council-staff/salaries-legislators-and-county-officers)

[State Home \(http://www.colorado.gov/\)](http://www.colorado.gov/)

[Transparency Online Project \(https://data.colorado.gov/stories/s/fjyf-bdat\)](https://data.colorado.gov/stories/s/fjyf-bdat)

POLICIES

[Remote Testimony and Remote Participation Policies \(/node/2328306/\)](/node/2328306/)

[Open Records Requests & Policy \(/open-records-requests\)](/open-records-requests)

[Privacy Policy \(http://leg.colorado.gov/sites/default/files/privacypolicy.pdf\)](http://leg.colorado.gov/sites/default/files/privacypolicy.pdf)

[Public Wi-Fi \(http://leg.colorado.gov/sites/default/files/publicwifi.pdf\)](http://leg.colorado.gov/sites/default/files/publicwifi.pdf)

[Services for Persons with Disabilities and Grievance Resolution Procedures \(https://leg.colorado.gov/publications/colorado-legislative-branch-policy-services-persons-disabilities-including-grievance\)](https://leg.colorado.gov/publications/colorado-legislative-branch-policy-services-persons-disabilities-including-grievance)

[State of Colorado Accessibility Statement \(https://leg.colorado.gov/state-colorado-accessibility-statement\)](https://leg.colorado.gov/state-colorado-accessibility-statement)

[Workplace Expectations \(https://leg.colorado.gov/workplace-expectations\)](https://leg.colorado.gov/workplace-expectations)

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[New Legislator Orientation \(https://www.leg.state.co.us/public/nlo.nsf/NewLegislatorOrientation.xsp\)](https://www.leg.state.co.us/public/nlo.nsf/NewLegislatorOrientation.xsp)

[Social Calendar \(/social-calendar\)](/social-calendar)

[House and Senate Rules \(/house-senate-rules\)](/house-senate-rules)

[Policy on Member Requests for CSP Protection \(https://leg.colorado.gov/sites/default/files/images/executive_committee_policy_for_seeking_csp_protection.pdf\)](https://leg.colorado.gov/sites/default/files/images/executive_committee_policy_for_seeking_csp_protection.pdf)

Colorado General Assembly (/)

 [Committee Audio \(/committee/audio/2747816\)](/committee/audio/2747816)  [Share](#)

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Judiciary

VIEW BY SESSION

2024 Regular Session

SUBJECTS: Children & Domestic Matters, Civil Law, Courts & Judicial, Crimes, Corrections, & Enforcement

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COMMITTEE INFORMATION

MEETING DAYS

Tuesday | Upon Adjournment

HCR 0112

Tuesday | 1:30 PM

HCR 0112

Wednesday | 1:30 PM

HCR 0112

STAFF CONTACTS

Bo Pogue

[303-866-5390](tel:303-866-5390) (<tel:303-866-5390>).

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Chair



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Representative
[Steven Woodrow](/legislators/steven-woodrow) (</legislators/steven-woodrow>).

Upcoming Schedule

JAN 24	Wednesday Joint Judiciary; Joint Judiciary (/content/joint-judiciary-joint-judiciary). 1:30 pm Old Supreme Court
JAN 30	Tuesday Judiciary (/content/judiciary-7). 1:30 pm HCR 0112
JAN 31	Wednesday Joint Judiciary; Joint Judiciary (/content/joint-judiciary-joint-judiciary-o). 1:30 pm Old State Library
FEB 6	Tuesday Judiciary (/content/judiciary-8). Upon Adjournment HCR 0112
FEB	Tuesday Judiciary (/content/judiciary-9). 1:30 pm HCR 0112

Committee Activity

01/23/2024 (7)



HEARING ITEM

ACTIONS

DOCUMENTS/LINKS

HB24-1090 (/bills/hb24-1090)

HB24-1054 (/bills/hb24-1054)

HB24-1079 (/bills/hb24-1079)

HB24-1013 (/bills/hb24-1013)

HB24-1079 (/bills/hb24-1079)

HB24-1077 (/bills/hb24-1077)

HB24-1020 (/bills/hb24-1020)

01/12/2024 (6)



01/11/2024 (4)



01/10/2024 (5)





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Subject: Re: Letter of Reprimand

From: "Rep. Elisabeth Epps" <[REDACTED]>

To: "Rep. Julie McCluskie" <[REDACTED]>

Date Sent: Monday, January 8, 2024 9:59:28 PM GMT-07:00

Date Received: Monday, January 8, 2024 9:59:40 PM GMT-07:00

Free Palestine. ♥

—EHE

On Mon, Jan 8, 2024 at 3:57 PM Rep. Julie McCluskie <[REDACTED]> wrote:
Representative Epps:

In response to your conduct during special session, please see the attached letter of reprimand.

Julie McCluskie
Speaker of the Colorado House of Representatives
State Representative for HD-13
Office: 303-866-2952
Cell: [REDACTED]
julie.mccluskie.house@coleg.gov

State Representative
JULIE McCLUSKIE
Colorado State Capitol
200 East Colfax Avenue, Room 307
Denver, Colorado 80203
Office: 303-866-2952
Cell: [REDACTED]
Email: julie.mccluskie.house@coleg.gov



SPEAKER OF THE HOUSE
Vice-Chair:
Executive Committee of the
Legislative Council
Legislative Council Committee

COLORADO
HOUSE OF REPRESENTATIVES
State Capitol
Denver
80203

January 8, 2024

To Representative Epps:

As members of the 74th General Assembly who have taken an oath of office to serve our constituents and the people of Colorado, we are called upon to engage in the process of crafting legislation not alone or in isolation, but in collaboration with the 65 members of the body. Working with other elected officials through this democratic policy-making process necessitates adherence to the Rules of the House of Representatives, including rules relating to the decorum.

Over the course of two days during the First Extraordinary Session of the 74th General Assembly you engaged in numerous actions, as observed by myself and members, staff, and press in the chamber, that were significantly disruptive to House business causing extensive delays to the completion of legislative proceedings. Additionally, you engaged in disrespectful behaviors directed at individual members which failed to uphold the honor and dignity of our democratic institution.

These behaviors included the following:

- Name-calling during second reading debate and shouting from the gallery down at members of the House Chamber during business proceedings;
- Disrupting the business of the House, delaying action on legislation for over an hour;
- Disregarding the direction of the House Sergeants and CSP by refusing to leave the gallery when it was closed;
- Disrespecting the Chair of the Committee of the Whole during the second reading debate by challenging the Chair's direction, and interrupting and scolding a member in the well;
- Disrespecting the Speaker Pro Tempore during the third reading votes and challenging rulings.

These behaviors violated the following House Rules:

- House Rules 13(a) - *No member rising to speak, debate, give a notice, make a motion, submit a report, or for any other purpose, shall proceed before addressing and being recognized by the chair, whereupon the member may proceed to address the House from the central microphone, or from his or her desk, confining his or her remarks to the purpose for which the member rose.*
- House Rules 13(c) - *No one shall pass in front of a member who is speaking nor otherwise interfere with a member's remarks or with the ability of others to hear such remarks.*
- House Rules 23(a) - *No member shall walk across or out of the House chamber while the Speaker is putting the question.*
- House Rules 23(b) - *No member shall engage in loud private discourse or commit any other act tending to distract the attention of the House from the business before it.*

- House Rules 23(c) - *Upon the objection of a member, or upon the Speaker's own initiative, a member who has transgressed the rules of the House, in speaking or otherwise, may be called to order by the Speaker' whereupon the member, subject to the right to appeal a decision of the chair, shall immediately sit quietly in his or her place.*
- House Rules 23(d) - *When speaking or debating before the House, a member shall confine his or her remarks to the question under discussion or debate, avoiding personalities.*

It is both the number and severity of your transgressions that prompt me to take action. After weeks of thoughtful review and evaluation, in addition to your removal from the House Judiciary Committee, this letter serves as a formal reprimand. A repeat of behaviors similar to those observed over the Extraordinary Session or other behaviors that cause delays of legislative proceedings or otherwise disrupt the proceedings may result in further disciplinary action by members of the House.

It is my expectation that you will uphold the honor and dignity of elected office and this institution, and engage with members in civil and respectful ways. Disagreement is inherent in the democratic process, yet how we engage through conflict matters gravely. I hope this serves as a turning point for your engagement.

Sincerely,



Julie McCluskie
Speaker of the Colorado House of Representatives

CC:

The Honorable Monica Duran, Majority Leader
The Honorable Jennifer Bacon, Assistant Majority Leader
The Honorable Mike Lynch, Minority Leader
The Honorable Rose Pugliese, Assistant Minority Leader
Robin Jones, Chief Clerk – Colorado House of Representatives
Ed DeCecco, Director – Office of Legislative Legal Services
Members of the Colorado House of Representatives

Subject: Re: voting today
From: "Rep. Elisabeth Epps" <[REDACTED]>
To: "Rep. Julie McCluskie" <[REDACTED]>
Cc: Ed DeCecco <ed.dececco@coleg.gov>
Date Sent: Sunday, November 19, 2023 8:18:46 AM GMT-07:00
Date Received: Sunday, November 19, 2023 8:18:59 AM GMT-07:00

Thank you for the detailed clarification. Much appreciated. Have a good morning.
EHE

—Rep. Elisabeth Epps

On Sat, Nov 18, 2023 at 9:31 PM Rep. Julie McCluskie <[REDACTED]> wrote:

Hello,

Please let me clarify - members in the Chamber record their vote electronically (via voting machine) and do not have an opportunity to speak at that time. It is not a voice vote. The reference to consistency was regarding applying that same standard to remote voting.

Efforts to maintain decorum today were challenging. I took action to remove a member from the well and this member was not recognized for the remainder of the day during seconds or thirds. I took action with your remote participation aligned with these earlier interventions. When you returned to the chamber, you would have been free to speak during seconds and maybe you did.

Circumstances in the chamber vary day to day, situation to situation. My efforts to preserve decorum most probably do vary as well, based on numerous factors.

I again offer to schedule a conversation when we have availability tomorrow.

Thank you,

Julie McCluskie
Speaker of the Colorado House of Representatives
State Representative for HD-13
Office: 303-866-2952
Cell: [REDACTED]
Julie.McCluskie.house@coleg.gov

On Sat, Nov 18, 2023 at 2:58 PM Rep. Elisabeth Epps <[REDACTED]> wrote:

I have sent emails before they were complete myself, not infrequently.

I find your explanation of what happened on zoom (as far as IT attempting to mute me but that not working), to be plausible; that rings true.

I do not have any other concerns that necessitate discussion. I would tho like your answer to what I asked earlier (mean culpa if I missed your response): what is the in person corollary for zoom mute/only hand-raising? We'd both benefit from you stating the consequence for a violation of the rule against speaking on thirds. Interesting how you ruled me out of order and jumped immediately to muting. I kept a log of how you responded to other not dissimilar instances over the spring, but that was months ago, involved only white Members (both D/R), and was a mix of seconds/thirds so I don't have a point of reference to predict the "consistency" you mention.

Best,
EHE

—Rep. Elisabeth Epps

On Sat, Nov 18, 2023 at 1:22 PM Rep. Julie McCluskie <[REDACTED]> wrote:

I accidentally hit send and had not finished my email.

In an effort to be consistent on third reading votes, when members vote electronically or by voice vote remotely, there is not an opportunity to speak to the content of the bill or other matters. Per our regulations for remote participation on January 23, 2023, Section 2.1, members may not debate or speak except to vote.

Members in the body display items on their desks. I will review your concerns at another time when we have concluded current business.

I made no attempt to remove the display of a Palestinian flag from your video on remote participation. IT had attempted to stop the audio function.

My door is open to discuss.

Julie McCluskie
Speaker of the Colorado House of Representatives
State Representative for HD-13
Office: 303-866-2952
Cell: [REDACTED]
Julie.McCluskie.house@coleg.gov

On Sat, Nov 18, 2023 at 1:07 PM Rep. Julie McCluskie <[REDACTED]> wrote:

Hello, I understand you do not want to speak to me in person. I will respond to your email instead. I am available to speak to you at any point today when the business of the body allows.

In an effort to be consistent,

Julie McCluskie
Speaker of the Colorado House of Representatives
State Representative for HD-13
Office: 303-866-2952
Cell: [REDACTED]
Julie.McCluskie.house@coleg.gov

On Sat, Nov 18, 2023 at 12:37 PM Rep. Elisabeth Epps <[REDACTED]> wrote:

Words (and numbers!) matter. There was a typo in my last email.

I meant 100-THREE (1003), not 1006.

Mea culpa. -EHE



On Sat, Nov 18, 2023 at 12:34 PM Rep. Elisabeth Epps <[REDACTED]> wrote:

Good morning.

I preferred a silent show of solidarity. Hence my flag, a subtle pin on my photo, and my absence. But you chose to allow other flags (Marine Corps, Israel, other) to remain on desks on the House Floor, while video shows my peaceful Palestinian flag was removed, just like you had peaceful Coloradans removed. Thus, I have no choice but to insist upon being heard audibly instead of silently with visual support, which as evidenced by my actions until you allowed the flag removal, was my strong preference.

I understand your clear boundaries about how I can participate remotely.

Please clarify and confirm: What will you do when I am there in person? I encourage you to tell the Sargeant to speak to me, not touch me, if you demand my removal like you did to my neighbors and constituents. When ML Duran ordered them to put their hands on me earlier this year because I'd genuinely forgotten there were words on the t-shirt beneath my blazer, (yet our colleagues sitting right near me wore fetus and assault weapon regalia), that did not go well.

I very much appreciate the opportunity to be clear on boundaries, expectations, and consequences.

Lastly, for now, cell service is complicated while I am in transit. If I don't arrive before you can see/hear me clearly I am a No on 1006. (I don't expect this email alone to suffice as a vote, but if sound is muffled or video complicated while I'm travelling, you can at least know what I was trying to say.

Also, thank you for the foresight to cc OLLS. I feel much safer about preserving an accurate record and having a shared understanding of communication when you put your remarks in writing.

Thank you for that as well.

EHE



On Sat, Nov 18, 2023 at 12:16 PM Rep. Julie McCluskie <[REDACTED]> wrote:
Rep. Epps:

Pursuant to House Rule 3(b)(2), the Speaker's authority to preserve order and decorum in the chamber, you will be permitted to vote remotely on third reading today by raising your hand but not by audio. I've made this decision to balance my responsibility to maintain decorum with your ability to vote.

Julie McCluskie
Speaker of the Colorado House of Representatives
State Representative for HD-13
Office: 303-866-2952
Cell: [REDACTED]
julie.mccluskie.house@coleg.gov

Subject: Re: Bill Draft Request/Deadline Extension Request | Re: 2023 LATE BILL FORM & PROCESS
From: "Rep. Elisabeth Epps" <[REDACTED]>
To: "Rep. Julie McCluskie" <[REDACTED]>
Date Sent: Saturday, November 11, 2023 12:38:10 AM GMT-07:00
Date Received: Saturday, November 11, 2023 12:38:24 AM GMT-07:00

To be clear, you said no. You're responsible for this and for all that comes next. Not saying yes by 4:58 is as performative as this entire sham of a special session.

On Fri, Nov 10, 2023 at 4:58 PM Rep. Julie McCluskie <[REDACTED]> wrote:

Hello,

To be clear, I am not saying no. I believe there may be an accommodation here that is still meeting the 5pm deadline requirement and ask that you connect with Director DeCecco.

Thank you.

Julie McCluskie
Speaker of the Colorado House of Representatives
State Representative for HD-13
Office: 303-866-2952
Cell: [REDACTED]
Julie.McCluskie.house@coleg.gov

On Fri, Nov 10, 2023 at 4:47 PM Rep. Elisabeth Epps <[REDACTED]> wrote:

I'll take that as a No. Have a great weekend.

Rep. Elisabeth Epps
CO HOUSE DISTRICT 6
ELISABETH
EPPS

On Fri, Nov 10, 2023 at 4:20 PM Rep. Julie McCluskie <[REDACTED]> wrote:

Hello Rep. Epps,

I have spoken with Director DeCecco. I believe it would be beneficial for the two of you to speak about what level of necessary information is required by 5pm.

Thank you.

Julie McCluskie
Speaker of the Colorado House of Representatives
State Representative for HD-13
Office: 303-866-2952
Cell: [REDACTED]
Julie.McCluskie.house@coleg.gov

On Fri, Nov 10, 2023 at 4:00 PM Rep. Elisabeth Epps <[REDACTED]> wrote:

Good afternoon Julie,

Thank you for replying on what is such a hectic day for so many of us.

I understand your sentence “5pm today...is a hard deadline for all members” to be an unequivocal “No” in response to my request for a modest amount of more time that I need for medical reasons to submit one bill draft request for special session.

If I misunderstood that answer from you, I will trust you to correct me asap.

Our colleagues in both chambers shared that they have been working for days (in some cases longer) on bills that they are being allowed to run in special session—all before some of us even knew there may be a special session. Such admirable prescience!

They claim to have already prepared bill drafts, fact sheets, and to have deeply stakeholdered with community members/orgs, agencies, etc. since time frames ranging from 12:30 pm today to well before Tuesday’s HH election results and before many of us were privy to Governor’s call.

So unless they are perhaps boastfully misrepresenting their anticipatory preparation, your aspirational contention that a 5 pm deadline is an example of “*exercis[ing] fairness to all members of the General Assembly*” is optimistic but patently false, as is the objectively dishonest assertion that “[*all members are*] *operating under the same time constraints.*”

Given the tight parameters we have to work within, I’m glad some subject matter experts are hard at work making the most of this opportunity for Colorado. Perhaps in future years leadership will respect “*all members of the General Assembly*” enough to not have us taking off work, and exacerbating critical health conditions on a phrenetic illusory guessing game whose outcome is so largely predetermined.

Mine are not statements of value judgment, but assertion of facts that warrant timely documentation.

Again, I’ll leave it to you to let me know asap if you were saying anything other than “no” to my modest request on needed change to deadline timing for medical reasons.

Take good care.
EHE

On Fri, Nov 10, 2023 at 3:17 PM Rep. Julie McCluskie <[REDACTED]> wrote:
Hello Rep. Epps,

I understand you’ve had a chance to check in with Rebecca. We recognize this compressed timeline is challenging for all of us. The Executive Committee was balancing many competing tensions in determining the deadlines for the special session, most notably our nonpartisan staff capacity to draft bills and produce fiscal notes before the General Assembly convenes on 11/17 as required by the Governor’s call.

We feel it is important to honor these deadlines to exercise fairness to all members of the General Assembly who are operating under the same time constraints. The group conversations we set up today were intended to be an opportunity to collaborate and coalesce behind a policy approach to minimize overall bill volume.

If you are interested in bringing forward a bill, we strongly encourage you to submit your bill title/request by 5pm today as this is a hard deadline for all members. Please provide as much information as possible at that time and I will speak with Ed DeCecco about a slight delay regarding the rest of the necessary information needed for your bill.

Thanks for understanding.

Julie McCluskie
Speaker of the Colorado House of Representatives
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Office: 303-866-2952
Cell: [REDACTED]
julie.mccluskie.house@coleg.gov

On Fri, Nov 10, 2023 at 10:22 AM Rep. Elisabeth Epps <[REDACTED]> wrote:
Good morning.

I need an adjustment to the bill draft request submission deadline announced for special session, due to medical conditions.

Specifically, I am requesting a deadline extension until tomorrow (Sat. 11/11/23), 12:00 pm MT to submit my one permitted bill draft request.

Although ~24 hours will not provide enough time for a thoughtful, well-prepared request, it will at least allow me enough working hours to attempt to meaningfully participate in this process that is chaotic for all of us.

I tried to use the Late Bill request form from regular session, which included a request reason as "Deadline Extension" {[2023 House Dems Late Bill Request](#)} but it says (understandably) "*2023 Late Bill Form | The form 2023 Late Bill Form is no longer accepting responses. | Try contacting the owner of the form if you think this is a mistake.*"

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2. If not, can you please direct me to the person/form to make such a request?
3. Please let me know any other information/documentation you need from me.

Thank you,
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Rep. Elisabeth Epps
CO HOUSE DISTRICT 6
**ELISABETH
EPPS**

Subject: Re: Bill Draft Request/Deadline Extension Request | Re: 2023 LATE BILL FORM & PROCESS
From: "Rep. Elisabeth Epps" <[REDACTED]>
To: "Rep. Julie McCluskie" <[REDACTED]>
Cc: Ed DeCecco <ed.dececco@coleg.gov>
Date Sent: Friday, November 10, 2023 5:29:43 PM GMT-07:00
Date Received: Friday, November 10, 2023 5:29:55 PM GMT-07:00

At 4:58 pm finally, not a yes, not a no, but a “not...no.” Got it!

Not unrelated, when things settle after special session and folks come up for some air, I invite you to look back over the shared group agreements document you passed out at one of our caucus meetings that most egregiously violated COML in January 2023; look specifically to the wording you suggested for values and commitments. Hope it makes you smile as much as it does me. We’ll keep working towards those, I’m sure.

Have a blessed weekend.
—EHE

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julie.mccluskie.house@coleg.gov

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3. Please let me know any other information/documentation you need from me.

Thank you,
EHE

Rep. Elisabeth Epps
CO HOUSE DISTRICT 6
**ELISABETH
EPPS**

Subject: Fwd: Important Update

From: Julie McCluskie <[REDACTED]>

To: Elisabeth Epps <[REDACTED]> Bob Marshall <[REDACTED]>

Date Sent: Monday, July 31, 2023 4:46:35 PM GMT-06:00

Date Received: Monday, July 31, 2023 4:46:46 PM GMT-06:00

Attachments: 230707 -- Verified Complaint.pdf

Hello, Per your request, Rep. Epps, this is a copy of the email I sent on July 7, 2023 when your complaint was filed.

Sent from my iPad

Begin forwarded message:

From: "Rep. Julie McCluskie" <[REDACTED]>

Date: July 7, 2023 at 9:30:11 PM MDT

Cc: "Rep. Duran" <monica.duran.house@coleg.gov>

Subject: Important Update

Members,

We wanted you to be aware of this complaint (attached), filed in district court this evening by Rep. Epps and Rep. Marshall. We have just received it and not had a chance to fully review it, but we thought it was important that you had it. Don't hesitate to reach out to either of us if you have any questions or would like to discuss.

Best,

Julie and Monica

Julie McCluskie

Speaker of the Colorado House of Representatives

State Representative for HD-13

Office: 303-866-2952

Cell: [REDACTED]

julie.mccluskie.house@state.co.us

**DISTRICT COURT, DENVER COUNTY,
COLORADO**

1437 Bannock Street
Denver, CO 80202

ELISABETH EPPS, and
ROBERT C. MARSHALL,
Plaintiffs

v.

THE COLORADO HOUSE OF
REPRESENTATIVES,

JULIE McCLUSKIE, in her official capacity as
Speaker of the House of Representatives,

MONICA DURAN, in her official capacity as the
Majority Leader of the House of Representatives,

MIKE LYNCH, in his official capacity as the Minority
Leader of the House of Representatives,

THE DEMOCRATIC CAUCUS OF THE
COLORADO HOUSE OF REPRESENTATIVES,

THE REPUBLICAN CAUCUS OF THE
COLORADO HOUSE OF REPRESENTATIVES,

Defendants.

Attorney for Plaintiffs:

Steven D. Zansberg, # 26634
Law Office of Steven D. Zansberg, L.L.C.
100 Fillmore Street, Suite 500
Denver, CO 80206
Telephone: (303) 564-3669
Facsimile: (720) 650-4763
[REDACTED]

▲ **COURT USE ONLY** ▲

Case Number: 23-cv-_____

Division: ____

VERIFIED COMPLAINT

Plaintiffs Elisabeth Epps and Robert C. Marshall, by and through their undersigned
counsel, hereby submit this Verified Complaint as follows:

INTRODUCTION

“[T]he formation of public policy is public business and may not be conducted in secret.”

§ 24-6-401, C.R.S. (2023).

“There is rarely any purpose to a nonpublic pre-[hearing] conference except to conduct some part of the decisional process behind closed doors. Only by embracing the collective inquiry and discussion stages, as well as the ultimate step of official action, can an open meeting[s law] frustrate these evasive devices.”

Cole v. State, 673 P.2d 345, 348 (Colo. 1983).

This lawsuit, brought by two members of the public who are also members of the Colorado General Assembly, seeks to halt a series of long-standing practices by various formally constituted state public bodies that violate the Colorado Open Meetings Law (“COML”). Quorums of state public bodies in the House of Representatives routinely meet in secret to discuss public business. These discussions inform the course of legislative action to be later taken publicly and are routinely conducted outside of public view, without providing public notice, and without recording or publishing meeting minutes that the public can access.

This lawsuit also aims to prevent further unlawful non-public conversations about public business among two or more members of the House of Representatives Committees of Reference and among members of Democratic and Republican Caucuses, via self-deleting digital communications platforms, during open legislative Committee hearings.

Shortly after being sworn into office as State Representatives, Plaintiffs became aware of pervasive violations of COML committed by state public bodies of which they are members. Plaintiffs, acting independently and separately, each tried to stop these unlawful practices by taking their concerns directly to House Leadership. Plaintiffs requested that Leadership ensure compliance with Colorado law and sought long-overdue updates to COML for more efficient transaction of the

People’s business in the House of Representatives. Despite Plaintiffs’ best efforts, ultimately House Leadership failed to act and Defendants continued to violate COML. Accordingly, Plaintiffs are forced to enlist the authority of the State’s judicial branch to bring the legislature into compliance with COML and to ensure that the House of Representatives conducts its public business publicly as required by Colorado law, not in secret.

PARTIES

1. Plaintiff Elisabeth Epps is a resident of the City and County of Denver, Colorado. Ms. Epps is a member of the House of Representatives, elected in November 2022 to represent Colorado’s 6th House District.

2. Plaintiff Robert C. Marshall is a resident of Douglas County, Colorado. Mr. Marshall is a member of the House of Representatives, elected in November 2022 to represent Colorado’s 43rd House District.

3. Defendant the Colorado House of Representatives is the chamber of the Colorado General Assembly composed of 65 elected members vested with authority to formulate public policy, including the introduction, discussion, and passage of bills for further consideration by the Senate and/or the Governor. *See* Colorado Constitution Article 5, Section 1, subsection (1).

4. Defendant Julie McCluskie is Speaker of the House of Representatives.

5. Defendant Monica Duran is House Majority Leader (Democratic Party).

6. Defendant Mike Lynch is House Minority Leader (Republican Party).

Defendants McCluskie, Duran, and Lynch are referred to collectively herein as “House Leadership.”

7. Defendant Democratic Caucus of the House of Representatives (“Democratic Caucus”) is the policy-making body composed of all State Representatives who are registered Democrats. The Democratic Caucus is a “state public body” subject to the COML. *See Cole v. State*, 673 P.2d 345 (Colo. 1983).

8. Defendant Republican Caucus of the House of Representatives (“Republican Caucus”) is the policy-making body composed of all State Representatives who are registered Republicans. The Republican Caucus is a “state public body” subject to the COML. *Id.*

JURISDICTION AND VENUE

9. Jurisdiction is proper in this Court pursuant to C.R.S. § 24-6-402(9).

10. Venue is proper in the Judicial District Court for Denver County pursuant to C.R.C.P. 98(b)(2) because all defendants are public officials and/or state public bodies whose actions giving rise to this Complaint occurred in Denver County.

GENERAL ALLEGATIONS

A. The Governing Law

11. A majority of the House of Representatives (33 members) constitutes a quorum of that state public body. *See Colorado Constitution Article 5, Section 11.*

12. A majority of any Committee of Reference¹ in the House of Representatives constitutes a quorum of that Committee.

¹ In the First Regular Session of the 74th General Assembly there were 11 Committees of Reference in the House of Representatives: Agriculture, Water & Natural Resources; Appropriations; Business Affairs & Labor; Education; Energy & Environment; Finance; Health & Insurance; Judiciary; Public & Behavioral Health & Human Services; State, Civic, Military, & Veterans Affairs; and Transportation, Housing & Local Government. Each committee had either 11 or 13 members, and members of the Democratic Caucus hold a majority of seats on each committee. *See* <https://leg.colorado.gov/agencies/house-representatives/committee-membership>.

13. In the First Regular Session of the 74th General Assembly, there were 46 members of the House Democratic Caucus and 19 members of the House Republican Caucus.

14. The House of Representatives, each House Committee of Reference, the Democratic Caucus, and the Republican Caucus all constitute distinct state public bodies under the COML. *See* § 24-6-402(1)(d)(I), C.R.S. (2023). Hereinafter, those Defendants are referred to collectively as “State Public Body Defendants.”

15. Under the COML, any gathering of two or more members of a state public body at which any public business is discussed is declared to be a public meeting which must be “open to public at all times.” *See* § 24-6-402(2)(a), C.R.S. (2023).

16. Under the COML, any meeting of a state public body at which a quorum is “expected to be in attendance” can occur only following “full and timely notice to the public.” *See* § 24-6-402(2)(c), C.R.S. (2023).

17. Under the COML, the “[m]inutes of *any* meeting of a state public body *shall be taken and promptly recorded*, and such records *shall be open to public inspection*.” *See* § 24-6-402(2)(d)(I), C.R.S. (2023) (emphasis added).

18. Under the COML, elected officials cannot discuss “pending legislation or other public business among themselves” via electronic mail² unless such communications fully comply with the requirements of contemporaneous public access. *See* § 24-6-402(d)(III), C.R.S. (2023); *see also* § 24-6-402 (1)(b) (defining a “meeting” subject to COML as “any kind

² The Colorado Supreme Court interpreted the term “electronic mail” in the Colorado Open Records Act to include instant text messaging via pagers, even though such messages are not transmitted over a computer-to-computer e-mail exchange system. *See Denver Publ'g Co. v. Bd. of Cnty. comm'rs of Arapahoe Cnty.*, 121 P.3d 190, 192 n.1 (Colo. 2005).

of gathering, convened to discuss public business, in person, by telephone, *electronically*, or by [any] *other means of communication*.”) (emphasis added).

19. The Colorado Supreme Court has declared that “[Colorado Open Meetings Law] prohibits bad-faith circumvention of its requirements.” *Darien v. Town of Marble*, 159 P.3d 761 (2006).

B. Operative Facts Giving Rise to Plaintiffs’ Claims

20. Throughout the First Regular Session of the 74th General Assembly, Democratic Caucus members constituting a quorum of every House Committee of Reference met outside of public view, usually weekly, to discuss pending legislation. All Democratic Committee members were expected to attend these meetings which included presentations by bill sponsors, question and answer period, and discussion of members’ expected votes. These meetings were never publicly noticed. Defendants directed legislative aides to omit or disguise these mandatory meetings from Representatives’ calendars. Defendants did not promptly record meeting minutes and did not make minutes available to the public.

21. On information and belief, a quorum of the Republican members of House Committees of Reference met similarly to discuss the formation of public policy relating to pending legislation assigned to House Committees of Reference. These meetings were not publicly noticed. Defendants did not promptly record meeting minutes and did not make minutes available to the public.

22. For almost the entirety of the First Regular Session of the 74th General Assembly, a quorum of the Democratic Caucus met twice weekly (Monday mornings and Tuesday middays), outside of public view, to discuss public business. Defendants instructed

legislative aides to omit or disguise these meetings from Representatives' calendars. These meetings at which the formation of public policy was discussed were not publicly noticed.

Meeting minutes were not recorded and were not made available to the public.

23. On information and belief, during the First Regular Session of the 74th General Assembly, a quorum of the Republican Caucus met weekly, outside of public view, to discuss public business and the formation of public policy. These meetings were not publicly noticed, minutes were not promptly recorded, and minutes were not made available to the public.

24. Throughout the First Regular Session of the 74th General Assembly, House members regularly used an ephemeral digital communications platform (Signal) to discuss public business outside of public view, in real time, during public hearings of House Committees of Reference. Signal communications included consideration of witness testimony and discussion of members' expected votes. These electronic/digital communications among House Committee members were not available to the public for contemporaneous observation and were set for automatic deletion via a disappearing messages function.

25. Two or members, and members constituting quorums, of Committees of Reference utilized this electronic communications during committee hearings without ever providing public notice of these non-public *meetings within meetings*. The self-destructing writings transmitted among House members were not retained, and therefore were not available for public inspection as is required by the Colorado Open Records Act.

26. Both the Democratic and Republican Caucuses regularly utilized Signal to discuss public business outside of public view. For example, on May 8, 2023, members of the Republican Caucus exchanged electronic communications via Signal to orchestrate a

coordinated walkout in protest against the public business being conducted and formation of public policy being discussed contemporaneously in the House of Representatives at that time.³

27. This secret electronic communication among a quorum of the Republican Caucus on the last day of the First General Session of the 74th General Assembly exemplifies the brazen nature of COML violations committed as a matter of routine practice by both Democrats and Republicans. On information and belief, such violations began well before individual Defendants ascended to their current roles in House Leadership, and the commonplace violations were standard operating procedures of the State Public Body Defendants long before Plaintiffs' election to the General Assembly.

28. Plaintiffs are not the first people to approach House Leadership seeking compliance with COML. During the 73rd General Assembly at least one House staff member took their concerns about COML violations, in writing and along with detailed proposed solutions, to both the preceding Speaker of the House and the Chair of House Judiciary Committee. Instead of properly addressing the documented violations of COML in 2022, House Leadership dismissed staff concerns and continued violating Colorado law.

29. While the First Regular Session of the 74th General Assembly ended on May 8, 2023, open meetings of year-round and interim House Committees as well as meetings of both partisan Caucuses have begun and will continue over the interregnum.⁴ On information and belief, the State Public Body Defendants will continue practices in violation of the COML

³ See <https://coloradotimesrecorder.com/2023/05/colorado-republicans-private-group-chat-may-violate-open-meetings-law/53611/>.

⁴ See <https://leg.colorado.gov/interim-schedule>.

while conducting meetings throughout the interim and during future legislative sessions.

30. On multiple occasions during the First Regular Session of the 74th General Assembly, beginning on the third day of the legislative session⁵, Plaintiffs individually, and eventually collectively, brought their concerns regarding violations of the COML to House Leadership (The Speaker) and to the Office of Legislative Legal Services in efforts to ensure the State Public Body Defendants complied with Colorado law.

31. Plaintiffs were assured, separately and repeatedly, by House Leadership that these unlawful practices would be properly addressed.

32. Unfortunately, violations persist. House Leadership has not brought the State Public Body Defendants into compliance with the mandates of COML. Consequently, Plaintiffs have no confidence that Defendants can or will change these unlawful practices without judicial intervention.

33. These enduring bipartisan illegal practices of the General Assembly have placed Plaintiffs in an untenable position: Plaintiffs must either knowingly violate Colorado law by participating in unlawful discussions of public business to ensure that their constituents are represented in meetings where public policy is being formed; or they can comply with the law by extricating themselves from critical discussions thereby depriving their constituents of representation at meetings where public policy is formed.

⁵ The First General Session of Colorado's 74th General Assembly opened Jan. 9, 2023 and ended May 8, 2023. The third day of the 120-day legislative session was Jan. 11, 2023.

FIRST CLAIM FOR RELIEF
For Declaratory Relief for Past Violations
of the Colorado Open Meeting Law

34. Plaintiffs incorporate all other allegations in this complaint as if fully set forth herein.

35. The State Public Body Defendants engaged in discussion of public business among two or more of their members outside of meetings that were open to the public.

36. The State Public Body Defendants, and the individual Defendants who serve as leadership of those bodies, convened meetings of a quorum of those state public bodies to discuss pending legislation and other public business but did not provide public notice of such meetings.

37. Two or more members of the State Public Body Defendants engaged in discussion of public business, did not promptly record meeting minutes, and did not make meeting minutes available to the public.

38. As a result of their unlawful conduct, Defendants deprived Plaintiffs, and those similarly situated, of their rights under the Colorado Open Meetings Law to full and timely notice of public meetings, to an opportunity to observe discussions of public business in real time, and to access the promptly recorded minutes of all such meetings.

39. Plaintiffs suffered an injury in fact and have standing as set forth in § 26-6-402(9)(a), C.R.S.

40. Plaintiffs are entitled to the entry of a Declaration and Finding by this Court that Defendants' conduct set forth above was in violation of the Colorado Open Meetings Law.

SECOND CLAIM FOR RELIEF
For Injunctive Relief Barring Further Violations
of the Colorado Open Meetings Law

41. Plaintiffs incorporate all other allegations in this complaint as if fully set forth herein.

42. The individual Defendants (House Leadership) have been unwilling or unable to voluntarily change the modus operandi of the State Public Body Defendants, as set forth above.

43. The unlawful practices described above will continue unless the Defendants are enjoined from doing so by this Court.

44. Plaintiffs, and all other members of the public, who have rights to full and timely notice of public meetings, to an opportunity to observe discussions of public business in real time, and to access the promptly recorded minutes of all such meetings, will suffer irreparable injury if future violations are not enjoined.

45. Plaintiffs are entitled to the entry of both preliminary and permanent injunctive relief that precludes the Defendants from further violations of the COML.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs Elisabeth Epps and Robert C. Marshall request the Court enter a judgment in their favor as follows:

- (1) Enter an Order declaring that the meetings of the state public bodies described above were conducted in violation of the Colorado Open Meetings Law;
- (2) Enter an Order preliminarily and permanently enjoining the Defendants from committing any further similar violations of the Colorado Open Meetings Law, as they have indicated their intention of doing; specifically, Defendants should be enjoined from

- (a) convening a meeting to discuss public business at which a quorum of any state public body is expected to be in attendance without providing public notice;
 - (b) conducting any meeting of two or more members of the House of Representatives to discuss public business, through electronic or any other means of communication, which is not open to the public; and
 - (c) conducting any meeting of two or more members of the House of Representatives to discuss public business without promptly preparing minutes of such meetings and making those minutes available to the public;
- (3) Enter an Order commanding Defendants to pay Plaintiffs their reasonable attorney fees and costs for bringing this successful action to enforce their, and the public's, rights under the Colorado Open Meetings Law; and
- (4) Such other and further relief as the Court deems just and proper.

VERIFICATION

I, Elisabeth Epps, under the penalty of perjury, certify that the factual statements contained in this Complaint are true and correct to the best of my knowledge and belief.

Dated this 7th day of July, 2023.

s/ Elisabeth Epps (original signature on file)

Elisabeth Epps

I, Robert C. Marshall, under the penalty of perjury, certify that the factual statements contained in this Complaint are true and correct to the best of my knowledge and belief.

Dated this 7th day of July, 2023.

s/ Robert C. Marshall (original signature on file)

Robert C. Marshall

Dated this 7th day of July, 2023.

Law Office of Steven D. Zansberg, L.L.C.

s/ Steven D. Zansberg

Steven D. Zansberg

Plaintiffs' addresses:

Elisabeth Epps
P.O. Box 6271
Denver, CO 80206

Robert C. Marshall
2 Jack Rabbit Place
Highlands Ranch, CO 80126

Subject: Re: For your awareness
From: "Rep. Elisabeth Epps" <[REDACTED]>
To: "Rep. Julie McCluskie" <[REDACTED]>
Date Sent: Friday, July 28, 2023 6:46:33 AM GMT-06:00
Date Received: Friday, July 28, 2023 6:46:46 AM GMT-06:00

Good morning Speaker McCluskie,

2 quick questions—

Was the below message sent just to House Democrats or to all House Members?

Also, did you send a copy of the complaint filed on 7/7/23 to us as well (whether Dems or all Representatives, either way)? I did see the 2018 OLLS memo you shared 7/14/23, but am unclear if I missed additional correspondence with the complaint itself attached as this subsequent one was below.

Thank you,
—EHE

On Wed, Jul 26, 2023 at 7:51 PM Rep. Julie McCluskie <[REDACTED]> wrote:
Members,

I want you to be aware of this complaint (attached), filed in district court this afternoon by the Public Trust Institute and David Fornof. We have just received it and have not had a chance to fully review it, but we thought it was important that you had it. Don't hesitate to reach out to me if you have any questions or would like to discuss.

Best,
Julie

Julie McCluskie
Speaker of the Colorado House of Representatives
State Representative for HD-13
Office: 303-866-2952
Cell: [REDACTED]
julie.mccluskie.house@state.co.us

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—Rep. Elisabeth Epps

Subject: Re: GVP Sunshine List

From: Elizabeth Brawn <[REDACTED]>

To: "Rep. Elisabeth Epps" <[REDACTED]>

Cc: Jennifer Bacon <[REDACTED]> Rebecca Kisner <[REDACTED]> "Rep. Julie McCluskie" <[REDACTED]> Sharon Eubanks <sharon.eubanks@coleg.gov>

Date Sent: Thursday, May 4, 2023 2:52:10 PM GMT-06:00

Date Received: Thursday, May 4, 2023 2:52:22 PM GMT-06:00

Hi everyone,

I'm going to send out a calendar invite, and I'll try to connect with the Assistant Majority Leader to confirm that she can make it.

Thanks!

Elizabeth



Elizabeth Brawn

Advisor and Executive Assistant to the Speaker
Colorado House Majority Office

elizabeth.brawn@coleg.gov

C: [REDACTED]
she/her

On Thu, May 4, 2023 at 1:00 PM Elizabeth Brawn <[REDACTED]> wrote:
Great! AML Bacon, are you available at 4pm to join this conversation?

Thanks!
Elizabeth

On Thu, May 4, 2023, 09:19 Rep. Elisabeth Epps <[REDACTED]> wrote:
Good morning all. Today at/after 4pm works for me.
—EHE

On Thu, May 4, 2023 at 8:32 AM Elizabeth Brawn <[REDACTED]> wrote:
Hi Rep. Epps, AML Bacon, Director Eubanks and Rebecca,

The Speaker would love to have this conversation today or tomorrow, if possible. Her availability is below:

- Today, 5/4 - flexible after 4:00pm
- Tomorrow, 5/5 - 8:00-9:00am
- Tomorrow, 5/5 - flexible after 10:30am

Please let me know what time works best for you!

Thank you,
Elizabeth

Elizabeth Brawn

Advisor and Executive Assistant to the Speaker
Colorado House Majority Office

elizabeth.brawn@coleg.gov



C: [REDACTED]
she/her

On Wed, May 3, 2023 at 3:34 PM Rep. Elisabeth Epps <[REDACTED]> wrote:
Good afternoon. Thanks for the reply. Yes let's meet. Please let me know time/date and I'll accommodate. Rep. Bacon will join us too.

Best,
—EHE



On Tue, May 2, 2023 at 7:23 PM Rep. Julie McCluskie <[REDACTED]> wrote:
Hello Rep. Epps, forgive my delay. I have had an opportunity to review your email with Dir. Eubanks in an effort to better understand how we might accommodate your request.

Dir. Eubanks has provided additional information on the requirements under COML. I think it would be beneficial to schedule a meeting with Dir. Eubanks and review your request and expectations in context of COML.

Thank you, J.

On Fri, Apr 28, 2023 at 10:27 PM Rep. Elisabeth Epps <[REDACTED]> wrote:
My last email included mention that I would be cc'ing Rep. Weissman, but I didn't then. He is now copied below.

—EHE

----- Forwarded message -----

From: **Rep. Elisabeth Epps** <[REDACTED]>
Date: Fri, Apr 28, 2023 at 9:55 PM
Subject: GVP Sunshine List
To: Rebecca Kisner <[REDACTED]> Rep. Julie McCluskie
<[REDACTED]> Rep. McCluskie <julie.mccluskie.house@state.co.us>
CC: Sharon Eubanks <sharon.eubanks@coleg.gov>

Good evening,

I am still awaiting a response to my emails asking for notice pursuant to Sunshine List provisions of COML. I have not received notice of any of the meetings held/attended by House leadership that meet the parameters of my requests from 3/25/23 and 4/1/23. Perhaps the error was on my end.

1. Did you send any notice(s) in response to my requests below? If so, to where?

2. Did you find my requests for notice insufficient in some way? What if any deficiencies preclude complying with this request?

Please advise as soon as possible.

Thank you,
—EHE

On 3/25/23 I asked :

- **House Democratic leadership meetings (in person, electronic, zoom, phone etc.) that involve any member of House leadership + at least one other legislator and that in whole or in part entails discussion of gun violence prevention legislation, including but not limited to HB23-1230, SB23-169, SB23-168, and SB23-170. please ensure this notice complies fully with all applicable provisions of COML.**

In response to your request for clarification, on 4/1/23 I added:

calendarizing committee hearings, calendarizing second reading/floor debate, discussing the possibility of laying over/postponing and/or otherwise addressing the hearing/reading/voting schedule for any/all current/prospective/proposed/potential legislation related to firearms policy and gun violence prevention

Please add SB23-279.

It's been astounding and disappointing how many people know so much more about what's happening around

Clearly you have had at least the conversations necessary to reset a hearing time from 1:30 pm to 9:30 am. It is not a frequent or common occurrence for committees of reference to meet while the House is (or could be?) meetings. So one expects that you must've had at least one meeting, probably more, about this scheduling modification. The subject of scheduling 1230 is a narrow topic that I specified in my sunshine list request.

If I am misinterpreting what seems to me to be the incredibly plain and clear meaning of the statute, please just offer me a clarification.

As I wade through near daily death and rape threats, I can't imagine what I could've done that justifies not involving me in conversations around this bill.

Rep. Weissman, I am cc'ing you as I'd said I would.

----- Forwarded message -----

From: Elisabeth Epps HD6 <[REDACTED]>
Date: Sat, Apr 1, 2023 at 5:51 PM
Subject: Re: Looking for some clarification

To: Rep. Julie McCluskie <[REDACTED]> Rebecca Kisner

<[REDACTED]> Elizabeth Brawn <[REDACTED]>

Good evening,

On 3/25/23, 11:56 pm I requested via email (sent to [REDACTED] with cc to [REDACTED] and sharon.eubanks@coleg.gov):

"Please add me to the Sunshine list (or create one with me on it) for all meetings subject to Colorado Open Meetings Law that involve:

- *House Democratic Caucus meetings (in person, electronic, zoom, phone etc.) that are required to entail full and timely notice as well as inspectable promptly recorded minutes. please ensure this notice complies fully with all applicable provisions of COML.*
- ***House Democratic leadership meetings (in person, electronic, zoom, phone etc.) that involve any member of House leadership + at least one other legislator and that in whole or in part entails discussion of gun violence prevention legislation, including but not limited to HB23-1230, SB23-169, SB23-168, and SB23-170. please ensure this notice complies fully with all applicable provisions of COML.***
- *If there is some immediately forthcoming legislation underway that would exempt Colorado House Dems from complying with this request please advise me of that fact as well.*

Notice for those meetings can be sent to me at the email address."

I highlighted the portion I understand you to be asking for more information about its scope. We are asking for notice about meetings (as defined in COML) as I described above and on 3/25/23, and/OR meetings that relate to:

1. discussing the merits/viability/potential passage/sponsorship of, discussing whether to/if/when to introduce a proposed legislation for, discussing affirmative support, assessing opposition, considering other chamber support/opposition, considering gubernatorial support/opposition, assigning committees of references, calendaring for introduction/first reading, calendaring committee hearings, calendaring second reading/floor debate, discussing the possibility of laying over/postponing and/or otherwise addressing the hearing/reading/voting schedule for any/all current/prospective/proposed/potential legislation related to firearms policy and gun violence prevention;
2. prospective/potential/proposed policy work and legislative issues related to waiting periods to purchase/deliver/transfer/obtain firearms, types of and classifications of firearms, storage of firearms, age and any other requirements to obtain/possess/disposes firearms, red flag laws/extreme risk protection orders, victims/survivors access to legal redress involving firearms manufacturers and vendors;
3. permitting, licensing, and or registration of firearms vendors/dealers; permitting, licensing and/or registration of firearms owners; permitting, licensing and or registration of firearms weapons and firearms accessories; insurance for firearms dealers, vendors, owners, possessors and/or user; criminal and civil regulation of use of possession/purchase/manufacture /disposition/sale/transfer of firearms, and classification definitions of the same;
4. meetings with representatives of advocacy groups doing work with and related to gun violence prevention/interruption, meetings with members of state agencies/departments/divisions that deal with firearm regulation, criminalization, confiscation, etc.

The above list is descriptive not exhaustive (although admittedly repetitive). If I think of notable other descriptors I'll update you.

Thanks for your responsiveness + opportunity to clarify the scope of my written request. Please let me know what other questions you may have. I always appreciate setting clear expectations.

-EHE

On Tue, Mar 28, 2023 at 11:02 PM Elizabeth Brawn <[REDACTED]> wrote:
Hi Representative Epps,

The Speaker's schedule has a couple of meetings that are a little bit in flux, so I'll try to nail those down and send over her availability by mid-day tomorrow. Thanks for your patience!

Best,
Elizabeth



Elizabeth Brawn

Advisor and Executive Assistant to the Speaker
Colorado House Majority Office

elizabeth.brawn@coleg.gov

C: [REDACTED]
she/her

On Tue, Mar 28, 2023 at 10:36 PM Rep. Julie McCluskie <[REDACTED]> wrote:
Hi Rep. Epps,

Rebecca shared your request with me about notice of a particular subset of House leadership conversations under COML.

I want to make sure I'm understanding the scope as you've intended it so that I may better facilitate and meet your expectations.

I am hopeful we can meet to discuss; happy to have Rep deGruy Kennedy in that conversation if you're open. I'll ask Elizabeth to offer some options.

-J

Julie McCluskie
Speaker of the Colorado House of Representatives
State Representative for HD-13
Office: 303-866-2952
Cell: [REDACTED]
julie.mccluskie.house@state.co.us

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—Rep. Elisabeth Epps

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—Rep. Elisabeth Epps

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Julie McCluskie
Chair, Joint Budget Committee
State Representative
Colorado House District 61
Office: 303-866-2952
Office: 970-977-0021
Julie.McCluskie.house@state.co.us

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—Rep. Elisabeth Epps

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—Rep. Elisabeth Epps



Elisabeth Epps



Sat, Nov 18

Pursuant to House Rule 3(b)(2), the Speaker's authority to preserve order and decorum in the chamber, you will be permitted to vote remotely on third reading today by raising your hand but not by audio. I've made this decision to balance my responsibility to maintain decorum with your ability to vote.

12:16 PM

and what will you do to me in person?

12:18 PM

I understand you do not want to meet with me in person. I will respond via email.

1:04 PM

Fri, Jan 12

Hello, I understand you want to be marked absent?

9:32 AM

yes please. (just until after current resolution.)

9:32 AM



Message



10:45

LTE



Elisabeth Epps



and what will you do in person?

Sat, Nov 18

12:18 PM

I understand you do not want to meet with me in person. I will respond via email.

1:04 PM

Fri, Jan 12

Hello, I understand you want to be marked absent?

9:32 AM

yes please. (just until after current resolution.)

9:32 AM

I will ask Mr. Scheibel to make the change.

9:34 AM

Fri, Jan 19

Zoom options

*zoom buttons were weirdly frozen for me — ldk if that was the case for *Rep. Jodeh too. (that's all I was trying to say)

Edited 10:03 AM



Message

