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| <p>SUPREME COURT, STATE OF COLORADO 2 East 14th Avenue Denver, CO 80203</p> | <p>FILED IN THE SUPREME COURT JUN 09 2008 OF THE STATE OF COLORADO SUSAN J. FESTAG, CLERK</p> |
| <p>ORIGINAL PROCEEDING PURSUANT TO § 1-40-107(2), C.R.S. (2007) Appeal from Ballot Title Board</p> | <p>▲ COURT USE ONLY ▲</p> |
| <p>IN THE MATTER OF THE TITLE, BALLOT TITLE AND SUBMISSION CLAUSE 2007-2008, #93 ("SAFE WORKPLACE"), JOSEPH B. BLAKE, OBJECTOR, v. ERNEST L. DURAN, JR. AND BRADLEY JOHNSON, PROPONENTS; AND WILLIAM A. HOBBS, DANIEL L. CARTIN, AND GEOFFREY BLUE, TITLE BOARD, Respondents.</p> | <p>Case No.: 08 SA 180</p> |
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| <p>ANSWER BRIEF OF TITLE BOARD</p> | |

TABLE OF CONTENTS

| | PAGE |
|------------------|-------------|
| ARGUMENT | 1 |
| CONCLUSION | 3 |

TABLE OF AUTHORITIES

PAGE

CASES

| | |
|---|------|
| In re Title, Ballot Title and Submission Clause and Summary Concerning Unsafe Workplace Environment, 830 P.2d 1031 (Colo. 1992) | 1, 2 |
| In re Title, Ballot Title and Submission Clause, and Summary Pertaining to Proposed Initiative “1997-98 #10,” 943 P.2d 897 (Colo. 1997)..... | 1 |
| In re Title, Ballot Title and Submission Clause, and Summary for 1999-2000 #258(A), 4 P.3d 1094 (Colo. 2000)..... | 2 |
| In re Title, Ballot Title and Submission Clause, and Summary Pertaining to the Workers Comp. Initiative, 850 P.2d 144 (Colo. 1993) | 2 |

STATUTES

| | |
|-----------------------------------|---|
| § 8-1-101(13), C.R.S. (2007)..... | 2 |
|-----------------------------------|---|

William A. Hobbs, Daniel Cartin, and Geoffrey Blue, in their capacities as members of the Title Board, (hereinafter “Board”) hereby submit their Answer Brief.

ARGUMENT

The Board will address only the matter that was not addressed in its Opening Brief.

Objector argues that the Board should not have set the titles because the measure contains vague and undefined terms. (Objector’s Opening Brief, p. 10.) The Court must reject this argument. The Board is not required to define vague terms even if the proponents intend “the language to remain vague so that the courts could interpret its application....” *In re Title, Ballot Title and Submission Clause and Summary Concerning Unsafe Workplace Environment*, 830 P.2d 1031, 1034 (Colo. 1992) (“*Unsafe Workplace*”). The Board must set a title even if the terms within the body of the proposal are vague. *In re Title, Ballot Title and Submission Clause, and Summary Pertaining to Proposed Initiative “1997-98 #10,”* 943 P.2d 897, 901 (Colo. 1997). The Board “has performed its job in setting the titles and summarizing the measure. Any problems in the interpretation of the measure or its constitutionality are beyond the functions assigned to the title board.” *Id.*


Objector contends that the phrase “safe and healthy workplace” constitutes a catch phrase. “‘Catch phrases’ are words that work to a proposal’s favor without contributing to voter understanding.” *In re Title, Ballot Title and Submission Clause, and Summary for 1999-2000 #258(A)*, 4 P.3d 1094, 1100 (Colo. 2000). “Evaluation of a claim that particular language is an improper catch phrase or slogan must be made in the context of contemporary public debate.” *In re Title, Ballot Title and Submission Clause, and Summary Pertaining to the Workers Comp. Initiative*, 850 P.2d 144, 147 (Colo. 1993) (“*Workers Comp.*”). Objectors must prove that the phrase is well-known and inflammatory. *Id.*

Objector has not offered any proof that the phrase “safe and healthy workplace” is a catch phrase. (Objector’s Opening Brief, p. 10.) The word “safe” is often used as an objective adjective. For example, § 8-1-101(13), C.R.S. (2007) provides, “‘Safe’ or ‘safety’, as applied to an employment or place of employment or place of employment, means such freedom from danger to the life, health...” Moreover, similar language has been incorporated in other titles, and there is no indication that the words were used as campaign slogans. *Unsafe Workplace*, 830 P.2d at 1033; *Workers Comp.* 850 P.2d at 147.

CONCLUSION

For the reasons stated in the Board's briefs, the Court must affirm the Board's action.

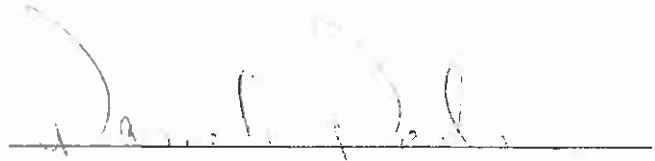
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CERTIFICATE OF SERVICE

This is to certify that I have duly served the within **ANSWER BRIEF OF TITLE BOARD** upon all parties herein by depositing copies of same overnight by DHL at Denver, Colorado, this 9th day of June 2008 addressed as follows:

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A handwritten signature in dark ink, appearing to read "Douglas J. Friednash", is written over a horizontal line.