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SUPREME COURT OF COLORADO 2 E. 14 th Ave., 4 th Floor Denver, CO 80203	FILED IN THE SUPREME COURT MAY 04 2016 OF THE STATE OF COLORADO Christopher T. Ryan, Clerk ▲ COURT USE ONLY ▲
Original Proceeding Pursuant to Colo. Rev. Stat. § 1-40-107 (2) Appeal from the Ballot Title Board	
In the Matter of the Title, Ballot Title, and Submission Clause for Proposed Initiative 2015- 2016 #96 (Requirements for Initiated Constitutional Amendments) Petitioners: TIMOTHY MARKHAM and CHRIS FORSYTH v. Respondents: GREG BROPHY, DAN GIBBS and Title Board: SUZANNE STAIERT, FREDERICK YARGER, and JASON GELENDER	
Petitioner is proceeding pro se: Chris Forsyth 3155 Ingalls St. Wheat Ridge, CO 80214 Telephone: 303-238-8864 Email: forsythlaw@hotmail.com	Case Number: 2016SA100
PETITIONER FORSYTH'S ANSWER BRIEF CONCERNING PROPOSED INITIATIVE 2015-2016 #96 (REQUIREMENTS FOR INITIATED CONSTITUTIONAL AMENDMENTS)	

CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with all requirements of C.A.R. 28 and C.A.R. 32, including all formatting requirements set forth in these rules. Specifically, the undersigned certifies that:

This brief complies with C.A.R. 28(g).

X It contains 4,077 words.

This brief complies with C.A.R. 28(a)(7)(A) and/or C.A.R. 28(b).

Under a separate heading placed before the discussion of each issue, the brief contains statements of the applicable standard of review with citation to authority, statements whether the issue was preserved, and if preserved, the precise location in the record where the issue was raised.

I acknowledge that my brief may be stricken if it fails to comply with any of the requirements of C.A.R. 28 or 28.1 and C.A.R. 32. I maintain an objection, however, that compliance required by the Colorado Appellate Rules is not applicable to petitions to review of decisions by the Title Board as such issues are not civil matters and are not mentioned in Rule 1 of the Colorado Appellate Rules. The heightened requirements of such technical rules do not seem to be consistent with citizen's right to the initiative which should be simple and straightforward.



Chris Forsyth, #22608

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ISSUES PRESENTED FOR REVIEW

1. Whether the Title Board had jurisdiction to set title when both proponents of the measure did not meet with the legislative research and drafting offices of the general assembly.
2. Whether Initiative #96 violates the single subject requirement of the Colorado Constitution.
3. Whether the title for Initiative #96 is fair and accurate or is insufficient, misleading or contains an impermissible 'catch phrase.'

STATEMENT OF THE CASE

Initiative 2015-2016 #96 was filed by Brophy and Gibbs. A review and comment hearing was held before representatives of the Offices of Legislative Council and Legislative Legal Services. Brophy and Gibbs attended that meeting as proponents. Thereafter, respondents submitted a final version of the proposed initiative to the Secretary of State for purposes of submission to the Title Board, of which the Secretary or his designee is a member.

A Title Board hearing was held on March 2, 2016, to establish the proposed initiative's single subject and to set a title. On March 9, 2016, petitioner filed a motion for rehearing alleging multiple grounds for the Title Board to deny a title or set a different title. The rehearing was held on March 16, 2016, at which time

multiple people objected to the title on jurisdictional grounds, single subject and that the title is misleading or confusing. The Title Board denied the motions for rehearing to set title or to cure deficiencies in the title it had set.

The title set for Initiative #96 is as follows:

An amendment to the Colorado constitution making it more difficult to amend the Colorado constitution by requiring that any petition for a citizen-initiated constitutional amendment be signed by at least two percent of the registered electors who reside in each state senate district for the amendment to be placed on the ballot and increasing the percentage of votes needed to pass any proposed constitutional amendment from a majority to at least fifty-five percent of the votes cast, unless the proposed constitutional amendment only repeals, in whole or in part, any provision of the constitution.

Forsyth timely filed a petition to review with the Supreme Court and this brief is in support of that petition.

SUMMARY OF THE ARGUMENT

The Title Board did not have jurisdiction to set a title because the Board erred in its single subject analysis and the Board failed to determine whether the proponents of the initiative are Colorado citizens or electors. Indeed, because Brophy is being paid it is evident that he is not the proponent but is simply an agent of the proponent. The Colorado Constitution requires the proponents to reveal themselves and appear at the initial meeting with the drafting offices of the general assembly.

The title is misleading and contains an impermissible catch phrase which is also an impermissible umbrella slogan that sets a bad precedent and should be reversed.

ARGUMENT

I. THE TITLE BOARD DID NOT HAVE JURISDICTION TO SET A TITLE FOR INITIATIVE #96.

A. Standard of review.

Forsyth agrees with the Title Board's position on page 4 of the Board's opening brief that whether the Board possesses jurisdiction to act is a matter of statutory interpretation that this Court reviews de novo. *In re Title, Ballot Title, and Submission Clause for 2013-2014 #103*, 328 P.3d 127, 129 (Colo. 2014).

B. The Board and Respondents are asking this Court to ignore the Colorado Constitution and to allow the Board to forsake its mandate to prevent fraud.

The Title Board states on page 7 of its opening brief that the Board's authority is limited to applying the single subject requirement and setting a title. This argument is not supported by the Colorado Constitution which states the right to propose changes in law is reserved for the citizens of Colorado, which makes whether the proponent is a citizen a jurisdictional issue. Colo. Const. Art. V., Sec. 1, Para. (1) & (5). The Board's argument is also not supported by the legislative declaration for initiatives stated in the Colorado Revised Statutes. The legislative

intent of the article that applies to the Title Board states that the intention of the article is to preserve the right of the initiative for the people of Colorado.

The general assembly declares that it is not the intention of this article to limit or abridge in any manner the powers reserved to the people in the initiative and referendum, but rather to properly *safeguard, protect, and preserve inviolate for them* these modern instrumentalities of democratic government.

C.R.S. § 1-40-101(1)(emphasis added). Therefore, the Title Board is to safeguard, protect and preserve inviolate for the people of Colorado the right of the initiative. The Board is to ensure that the individuals proposing changes to Colorado law are Colorado citizens. Colo. Const. Art. II, Sec. 2; Art. V, Sec. 1, Para. (2).

Furthermore, although the Board claims on page 7 that it is convened for the very narrow issues of determining whether there is a single subject and setting a title, the statutory section cited by the Title Board states that the board is convened "for ballot issues" which, although narrow, is a broader grant of authority than that alleged by the Board. C.R.S. § 1-40-106(1). The Board's jurisdiction includes anything regarding ballot issues. *Id.* This includes safeguarding, protecting and preserving the right of the initiative for the people of Colorado. C.R.S. § 1-40-101(1). Such safeguarding includes ensuring that it is a Colorado citizen who proposes changes to Colorado law. Colo. Const. Art. II, Sec. 2; Art. V, Sec. 1, Para. (2). Contrary to the Board's argument on page 7 that Forsyth has asked the

Board to exceed its jurisdiction, Forsyth is merely demanding that the Board comply with its constitutional and legislative directive to safeguard, protect and preserve inviolate the right of the initiative for the people of Colorado.

Indeed, this Court has determined that the Title Board must require both designated representatives to be at Board meetings and such requirement is a jurisdictional requirement. *Hayes v. Ottke*, 293 P.3d 551 (Colo. 2013).

Respondents note on page 9 of their opening brief that such designated representatives, along with the proponents, now will have to attend review and comment hearings with the drafting office of the general assembly. Presumably, their presence will be a jurisdictional requirement as well.

On page 6, the Board relates that Forsyth admitted at the rehearing that he was not challenging Brophy's Colorado citizenship. It is not Forsyth's job, however, to safeguard, protect and preserve inviolate the right of the initiative; it is the Board's job. The Board's statements at the rehearing show that the Board did not diligently follow its constitutional and legislative directive. Tr. submitted by Forsyth, p. 14, ln. 5-9; p. 6, ln. 7-18. Indeed, the Secretary of State's representative on the Title Board questioned how a corporation would be able to run an initiative if it couldn't pay someone to propose a law. *Id.* A case cited in the Board's brief, however, states that corporations do not have the right to propose

a change in law via an initiative. *Chula Vista Citizens for Jobs and Fair Competition v. Norris*, 782 F.3d 520 (9th Cir. 2015). The case also stands for the proposition that the proponent of a measure is not to be anonymous.

Accordingly, when deciding whether to sign a petition, the identity of the official proponent matters, and voters need to know whom they are being asked to vest with that authority. Certainly no one would argue that candidates for elective office have a right to be anonymous on the ballot.

Chula, 782 F.3d at 538. Brophy's being paid by someone else allows the actual proponent to remain anonymous. The fact that Brophy is being paid shows that he is not the actual proponent of the initiative. He is the paid supporter of someone else's idea. Because the Board does not know who is paying Brophy, they do not know whether the actual proponent of this initiative is a Colorado citizen. Therefore, the Board has failed its constitutional and legislative directive to safeguard, protect and preserve inviolate the right of the initiative for the people of Colorado.

It should be noted that in *Chula*, the Court analyzed a city charter that reserved the initiative power to the electors of the city. *Id.* In Colorado, the initiative power is reserved to "the people." Colo. Const. Art. V, Sec. 1, Para. (2). Electors and "the people" are the same thing in Colorado. The vestment of political power in Colorado is vested in and derived from "the people." Colo.

Const. Art. II § 1. Yet one must qualify as an elector to flex that political power. Colo. Const. Art. VII § 1. Therefore, as in *Chula*, the power of the initiative in Colorado is reserved to the electors.

The Board failed to properly determine whether it had jurisdiction to set a title. The Board not only had to determine that a single subject was at issue to set a title, the Board also had to determine that the initiative was proposed by a Colorado citizen, an elector, before it set a title. The Board failed to do so. The determination of the Board should be reversed.

On page 6 of the Board's opening brief, it is argued that there is no substantial policy reason for prohibiting a proponent of an initiative from being paid. But the initiative right has been likened to the right to vote. *Matter of Title, Ballot Title and Submission Clause, and Summary for Proposed Initiated Constitutional Amendment 1996-3 Adopted on April 3, 1996, and Motion for Rehearing Denied on April 17, 1996*, 917 P.2d 1274, 1276 (Colo. 1996). In regards to the right to vote, it is unlawful to give or receive money in exchange for a vote. C.R.S. §§ 1-13-720, 721. Election fraud is always a concern and that is why such statutes exist. But it is not so much that there is a substantial policy reason for prohibiting a proponent of an initiative from being paid as it is that the fact of payment shows that the person is not "THE proponent." Brophy is merely

the agent of an anonymous proponent. The Board has not complied with its constitutional and legislative directive to safeguard the process when the Board does not know who THE proponents are.

This Court is not to judge the merits of the initiative at issue. *Bauch v. Anderson*, 497 P.2d 698 (1972). Simply taking the initiative at face value, however, shows that the Board must be vigilant to protect Colorado's initiative rights. Initiative #96 purports to make it harder for the people to govern themselves. Respondents are fighting hard to make it clear that they want the initiative to make it more difficult to change the law via an initiative. By making it more difficult, they take the right of the initiative far from the reaches of the average citizen and place it where only corporations or wealthy individuals can access the right of the initiative. This is not judging the merit of the initiative, this is taking respondents' arguments regarding the title at face value. Initiative #96 attacks the right of the initiative. Therefore, Initiative #96 at face value creates cause for alarm.

The initiative benefits big business because it provides a bigger hurdle for the common citizen to make a change that big business does not want. For instance, the large supermarkets would have an easier time placing an initiative on the ballot regarding selling certain alcoholic beverages than the small craft brewer.

Initiative #96 would also make it harder for citizens concerned about growth hormones in food to force the supermarkets to label food products with certain labels regarding growth hormones. Initiative #96 wants to make it so "difficult" to get an initiative on the ballot and pass it into law that only big businesses can afford to get it done. That is why respondents urge this Court to leave "making it more difficult" in the title.

The right of the initiative is hope. The people have the constitutional right to govern themselves and nowhere is that right more direct than in the right of the initiative. The initiative provides the hope that people can pass their own laws to make their lives better. Initiative #96 wants to diminish or extinguish that hope. Initiative #96 wants to take what is the province of the citizen and place it in the province of the corporation or the wealthy. Who would do such a thing? This is the type of strategy that has been used in the past and present by dictators around the world. From Napoleon to Mussolini, from Hitler to Kim Jong-un, ruthless dictators use tactics like this to extinguish the hope of people and to ensure the people acquiesce to the dictator's desires. Initiative #96 is a ruthless power play. Therefore, the Board should be highly concerned regarding who the actual proponents of Initiative #96 are when the initiative, by respondents own arguments

regarding the title, would make it more difficult for the people to govern themselves.

People can choose to follow a ruthless dictator as the people in Germany did when they chose to follow Hitler. But the people have the constitutional right to know who they are following. Colo. Const. Art. V., Sec. 1., Para. (5).

Petitioner Markham alleges that the proponents of Initiative #96 is a group called "Building a Better Colorado." Petitioner Markham's opening brief, p. 12. Aside from the argument that such an organization cannot be an initiative proponent, Building a Better Colorado has specifically stated that it is not the proponent of Initiative #96. Attached is an appendix that includes the final report that Building a Better Colorado sent out. On the last page of the report, the group makes it abundantly clear that it is not the proponent of Initiative #96. It states:

Several independent efforts have emerged to pursue implementation of consensus policy ideas via ballot initiatives in 2016. We will watch those efforts closely and report back on results after the November elections.

Appendix, p. 13. The organization claims to be a 501(c)(3) organization that defers to "political entities" to pursue implementation of policies. *Id.* Therefore, Building a Better Colorado admits that it is not the proponent of Initiative #96 even if it could be such proponent. The fact remains: We do not know who the proponents of Initiative #96 are.

Initiative #96 is steeped in deception and fraud. The Colorado Constitution and the legislative intent regarding initiatives demand that the Title Board protect us from such deception and fraud. The Title Board has failed to do so.

The Title Board failed to establish that it had jurisdiction to set a title in this matter. The Secretary of State's representative on the Board presumed that a corporation is behind the initiative. Tr. submitted by Forsyth, p. 6, ln. 7-18. The right of the initiative does not belong to corporations, however, it belongs to the people of the State of Colorado. Because the Title Board failed to determine that Colorado electors are the proponents of Initiative #96, the determination of the Board must be reversed.

II. AN UMBRELLA ADVERTISING SLOGAN DOES NOT
LAWFULLY CREATE A SINGLE SUBJECT, IT SIMPLY
MISLEADS VOTERS.

A. Standard of review.

Forsyth agrees with the Title Board's position on page 4 of the Board's opening brief that whether the Board possesses jurisdiction to act is a matter of statutory interpretation that this Court reviews de novo. *In re Title, Ballot Title, and Submission Clause for 2013-2014 #103*, 328 P.3d 127, 129 (Colo. 2014).

B. An advertising slogan is not a single subject.

The whole supposed single subject alleged in this matter by the Board on page 15 of the opening brief – “making it more difficult to amend the Colorado constitution” – is an unsubstantiated, unfinished, misleading advertising slogan. Such phrase does not fairly describe the measure. Its intent is to sell the measure. It is unfair and unacceptably deceptive to allow such a title to be placed on a ballot issue. Not only should an advertising slogan not constitute the single subject, it should not be anywhere in the title. *See Say v. Baker*, 322 P.2d 317 (1958); *Spelts v. Klausling*, 649 P.2d 303 (Colo. 1982) (“Catch phrases,” or words which could form the basis of a slogan for use by those who expect to carry on a campaign for or against an initiated constitutional amendment, should be carefully avoided by the statutory board in writing a ballot title and submission clause).

Respondents argue on pages 10 and 11 of their opening brief that the title in this case is similar to a title issued in *Kemper v. Leahy (In re Title, Ballot Title)*, 328 P.3d 172, 177 (Colo. 2014). The title in *Kemper*, however, did not include the phrase “more difficult.” *Kemper* regarded a public right to the state's environment and the title read: “An amendment to the Colorado constitution concerning a public right to Colorado's environment, and, in connection therewith,” If the title in this case was similar to *Kemper*, then the title in this case would read, “An

amendment to the Colorado constitution concerning amending the Colorado constitution, and, in connection therewith," *Kemper* did not contain the advertising phrase, "making it more difficult to amend the Colorado constitution." The title in this case is not similar to the title in *Kemper*.

There are two subjects in Initiative #96: 1) the petition process to get an initiative on the ballot and 2) the percentage of votes required to pass certain amendments to the constitution. It is confusing to voters to put these two separate subjects into one initiative. The phrase "making it more difficult to amend the Colorado constitution" is an umbrella proposal or slogan that attempts to unite separate subjects and is unconstitutional. *Hayes v. Spalding*, 333 P.3d 76, 79 (Colo. 2014)(multiple subjects contained under the umbrella proposal of "recall of government officers").

Such initiatives combine proposals that voters might favor with those they would otherwise oppose, in order to achieve passage. See *In re Proposed Initiative for 2005-2006 #55*, 138 P.3d 273, 282 (Colo. 2006). To avert such mischief, the single subject requirement limits the voters to answering " yes" or " no" to a straightforward, single subject proposal. See *In re Petition Procedures*, 900 P.2d 104, 108 (Colo. 1995). In the case before us, some voters might favor altering the requirements or procedures for recalling elected officers but not favor establishing a new constitutional right to recall non-elected officers, or visa-versa. Initiative #76 unconstitutionally combines the two subjects in an attempt to attract voters who might oppose one of these two subjects if it were standing alone.

Hayes, 333 P.3d at 79.

This case is like *Hayes*. As the proponents in *Hayes* attempted to have multiple subjects contained under the umbrella phrase "recall of government officers," the proponents in this case attempt to have multiple subjects contained under the umbrella phrase "making it more difficult to amend the Colorado constitution." Voters could favor the provision regarding the signature requirement to get on the ballot and not favor the provision regarding a super majority of votes to pass in a general election. Or vice versa. Therefore, as in *Hayes*, the determination of the Title Board that Initiative #96 contains a single subject should be reversed.

The Board argues on page 18 of its opening brief that *Hayes* does not support a reversal. The Board argues that changes to the same constitutional article in *Hayes* did not create the single subject violation. The Board argues that this case is similar to a portion of the *Hayes* decision where a single subject violation was not found.

In *Hayes*, the issues regarded petition circulation and campaign finance laws. *Hayes*, 333 P.3d at 83. The Court found that combining those two issues did not violate single subject. *Id.* Initiative #96 does not involve campaign finance as *Hayes* did. Initiative #96 regards the number of votes required to pass certain

constitutional amendments at a general election. The amount of signatures needed to get on the ballot, and the number of votes needed to pass certain constitutional amendments, are distinct and separate subjects that are combined in Initiative #96. Therefore, Initiative #96 violates the single subject rule.

III. THE MISLEADING TITLE CREATES BAD PRECEDENT.

A. Standard of Review.

The Title Board is required to set a title that is fair, accurate and not misleading.

In setting a title, the title board shall consider the public confusion that might be caused by misleading titles and shall, whenever practicable, avoid titles for which the general understanding of the effect of a "yes/for" or "no/against" vote will be unclear. The title for the proposed law or constitutional amendment, which shall correctly and fairly express the true intent and meaning thereof . . .

C.R.S. § 1-40-106 (3)(b). The action of the statutory board empowered to fix a ballot title and submission clause is presumptively valid. *Say v. Baker*, 322 P.2d 317 (1958). And those who contend to the contrary must show wherein the assigned title does not meet the statutory requirement. *Id.* A board acts wisely in refusing to use words in a title which would tend to color the merit of the proposal on one side or the other. *Id.* A title will be rejected by the Supreme Court only if it is misleading, inaccurate or fails to reflect the central features of the proposed

measure. *In re Ballot Title 1999-2000 No. 215 (Prohibiting Certain Open Pit Mining)*, 3 P.3d 11 (Colo. 2000).

B. The title is not in compliance with the law.

The title for Initiative #96 leaves a question mark regarding just what the voter is voting for. Therefore, the title is misleading.

Does the exception regarding repeals apply to the number of signatures needed to get on the ballot? Would voters be voting 'yes' or 'no' on a provision that does not exist in the amendment? Would voters be voting for the two percent signature requirement or for the fifty-five percent voting requirement? Would voters be voting for the two percent signature requirement as opposed to the current signature requirement that is already in the constitution? Does this signature requirement replace the signature requirement that is already in the constitution? The title for Initiative #96 raises many questions regarding just what voters would be voting 'yes' or 'no' for.

The arguments by the Board and Respondents that the title is not misleading are without merit. The arguments by the Board and Respondents regarding whether "making it more difficult to amend the Colorado constitution" is an impermissible catch phrase are also without merit.

Both the Board and Respondents admit to the brevity requirement for titles in their briefs. But both of them also fail to acknowledge that the title would be shorter and still have the same meaning if "making it more difficult to amend the Colorado constitution" was removed from the title.

The Board's title for Initiative #96 creates a huge shift in initiative titles in Colorado. If the title is upheld, future titles will most certainly include, "the best way to buy alcohol in Colorado," "the more efficient way to fund government," "making fracking more difficult in Colorado," and "making government better." By using the last phrase as a single subject, a myriad of subjects could be placed in one initiative and the single subject rule would be completely circumvented. All of the suggested phrases for future titles are comparative advertising claims that are to be avoided in initiative titles. The title for Initiative #96 sets a new precedent in Colorado that would allow for all sorts of salesmanship and single-subject violations to occur in initiative titles.

The Board bought what Brophy and Gibbs are selling. This Court should not do the same.

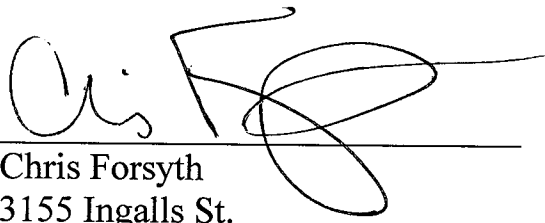
Finally, the title is to show the intent of the proponents in pursuing the measure. *See, Davidson v. Sandstrom*, 83 P.3d 648 (Colo. 2004). It is impossible to know the proponents' intent when we don't know who the proponent is. We

know Brophy is not the proponent because he is being paid by someone else. If the proponents wish to pursue this measure, they should file a new draft and meet with the legislative research and drafting offices of the general assembly. Colo. Const. Art. V., Sec. 1., Para. (5).

CONCLUSION

For all the reasons stated above, the actions of the Title Board should be reversed.

Respectfully submitted this 4th day of May, 2016, by:

A handwritten signature in black ink, appearing to read 'Chris Forsyth', is written over a horizontal line.

Chris Forsyth
3155 Ingalls St.
Wheat Ridge, CO 80214

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing was delivered to the following on the 4th day of May, 2016:

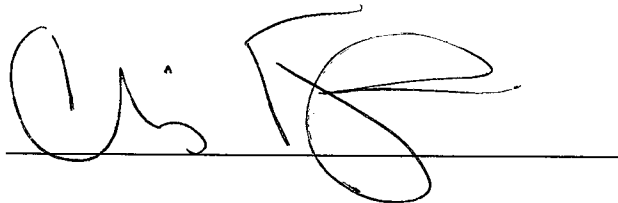
Via hand-delivery

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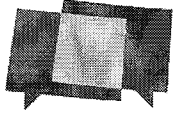
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A handwritten signature in black ink, appearing to read 'M. Grove', is written over a horizontal line.

SUPREME COURT OF COLORADO 2 E. 14 th Ave., 4 th Floor Denver, CO 80203	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
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Petitioner is proceeding pro se: Chris Forsyth 3155 Ingalls St. Wheat Ridge, CO 80214 Telephone: 303-238-8864 Email: forsythlaw@hotmail.com	Case Number: 2016SA100
<p style="text-align: center;">APPENDIX</p>	



Building a Better
Colorado

Project Overview:

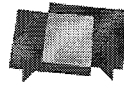
Building a Better Colorado

Final Report

"Thank you for
asking the right
questions and for
creating an avenue
for discussion."

- Survey respondent at BetterCO.org

Prepared by:
IVC Media and OnSight Public Affairs
Feb. 8, 2016



Fellow Coloradans:

In the summer of 2015, a nonpartisan group of concerned Coloradans – ranging from current and former statewide office holders to mayors of many of our biggest cities, from former cabinet secretaries and state lawmakers to a former Colorado Supreme Court Justice – came together with a shared concern about the direction our state was heading in three critical areas: the ease with which the constitution can be amended; the decreasing participation and confidence in our election systems; and the imbalance between citizens' expectations of services that their state government provides, and the ability of their state government to meet those expectations.

Their stated goal was to engage Coloradans in discussions of those issues in order to create a better Colorado.

Their commitment was to develop consensus policy recommendations which might emerge from that statewide conversation. The forum which they created to host this conversation was a new non-profit organization called "Building a Better Colorado".

In just over four months, from August 2015 through January of this year, representatives of Building a Better Colorado met with more than 2,000 community leaders and concerned citizens in over 30 meetings held throughout the state. Building a Better Colorado also made significant efforts to leverage digital and social media to extend the conversation. The website BetterCO.org allowed anyone who was interested to study the issues, learn about the pros and cons of different policy options, and to offer their views and weigh in on potential solutions. Social media also played a large role in our outreach, as we worked to educate and engage Coloradans via robust efforts on Facebook and Twitter.

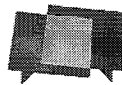
The intent of Building a Better Colorado was not to dictate solutions, but instead to engage people across the state in conversations about the challenges we face and to come up with consensus solutions.

We conducted thorough quantitative and qualitative research – through polling and focus groups – to refine policy options and to help identify potential solutions that could be addressed by voters or the legislature.

In the end, we found consensus in three areas: let the state keep and spend money beyond current constitutional limits; make it more difficult to amend the state constitution and encourage statutory initiatives instead; and update the state's primary election system to include more than 1 million unaffiliated voters.

This document summarizes the work that went into reaching those conclusions and is intended to serve as a guide for groups or individuals seeking to enact these policy changes in the months and years ahead.

Reeves Brown
Project Director



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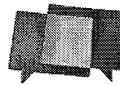
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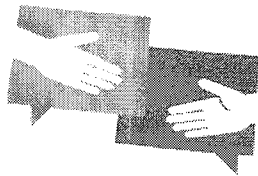


OUR APPROACH

Building a Better Colorado was founded to address a fundamental question: What kind of government do voters want?

How we create laws and amend our constitution, how we elect our representatives, and how we manage the state budget are critical factors to Colorado's future.

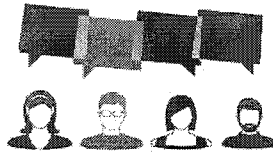
We think a better Colorado can happen when we engage Coloradans in an honest, constructive conversation about what they want their state to be, motivated by a shared desire to build a better future for our state rather than political ideologies or organizational agendas.



Meetings

Bi-partisan committees of subject matter experts developed options for consideration.

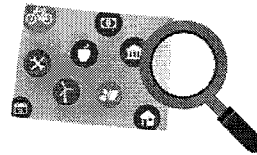
Summer 2015



Discussion

Coloradans learned about issues, discussed, and offered opinions on solutions at Community Summits across the state and online.

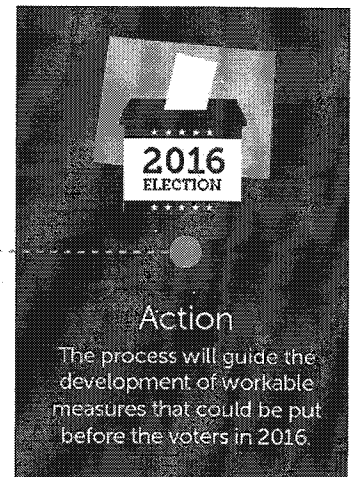
Fall 2015



Analysis

Findings from Community Summits and online engagement surveys informed objective research.

Winter 2015



Action

The process will guide the development of workable measures that could be put before the voters in 2016.

November 2016

"As a Coloradan, I honestly don't know as much about this issue as I should. Thank you for giving me something to read up on."

- Comment from a participant in BetterCO.org online survey



MEETINGS ACROSS COLORADO

"This effort is intended to allow Coloradans with vastly different views and very different agendas to come together and decide what is best for our state."

- Dan Ritchie, Chairman, "Building a Better Colorado"

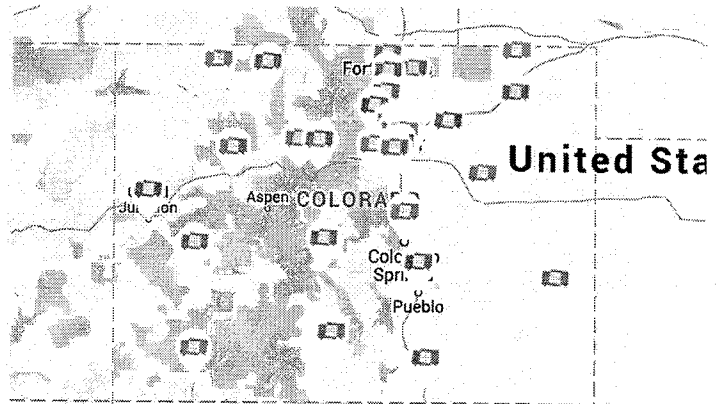
After launching in the fall of 2015, Building a Better Colorado hosted events across the state attended by more than 2,000 civic leaders and interested Coloradans.

From September through January, Building a Better Colorado convened more than 30 meetings and Community Summits.

Those events were held in: Akron, Alamosa, Aurora

(2), Boulder, Colorado Springs (2), Craig, Denver

(3), Durango, Fort Collins, Glenwood Springs, Greenwood Village, Grand Junction (2), Greeley, Highlands Ranch, Lakewood, Lamar, Limon, Longmont, Loveland, Montrose, Salida, Silverthorne, Steamboat Springs, Sterling, Thornton, Trinidad, Vail, Westminster.



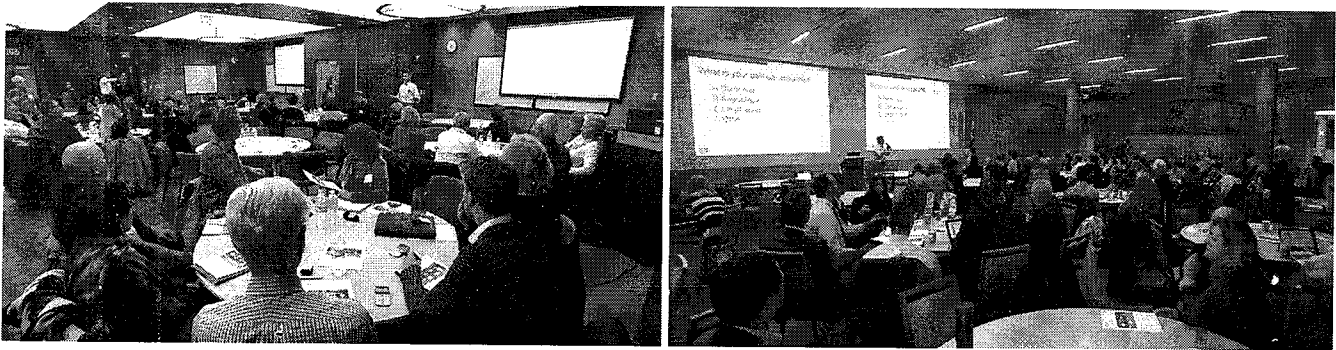
Attendees reviewed challenges facing the state's initiative process, election systems and financial future and shared their opinions on potential policy solutions to address the problems.



Project director Reeves Brown addresses attendees at our Colorado Springs community summit.



The meetings drew community leaders and citizens with an interest in public policy, meaning that results were not necessarily reflective of what a “likely voter” would support or oppose at the ballot box. Nonetheless, they helped us narrow our focus by gauging the relative popularity of ideas among Coloradans whose support would be critical to passage of any policy ideas that sprang from our efforts.



Snapshots from community summits in Lakewood, left, and Denver, right.

The meetings were notable for the constructive dialogue and thoughtful ideas provided by a diverse array of Coloradans who shared a heartfelt desire to build a better future for our state. Results of the policy ideas discussed and supported at those meetings, as well as demographic data on attendees, were posted to BetterCO.org

In addition to the community summits, in early September we met with members of Colorado Cooperation, a volunteer group focused on ensuring a healthy future for Colorado, and Club 20, which bills itself as “the voice of the Western Slope”; in November we hosted an event for nearly 300 young professionals in Denver that utilized “text” voting on policy ideas; and in January we held a citizens assembly in Denver. The citizens assembly featured two representatives from each of our 30 community summits who gathered for a briefing on our overall findings and to share their views on the process and options moving forward.



Attendees at the Building a Better Colorado meeting for Denver-area young professionals.

Findings from our work:

The legislature should remove the Hospital Provider fee from consideration under state revenue limits. Asking the Legislature to move the Hospital Provider Fee out of the General Fund was the single-most popular idea we tested at our community summits. Well over 90% of the community leaders engaged in this process supported the idea of making the fee an enterprise fund so that money collected to draw federal matching funds to deliver health care did not count against the state's constitutional revenue limits.

We should make it more difficult to amend the state constitution and encourage statutory initiatives instead. Coloradans support the citizen initiative process, but they think that amendments to our state's foundational constitution should be supported by more than just a simple-majority of voters. And because the constitution provides the governing framework for our entire state, they think more Coloradans from across the state should be involved in developing any proposed changes to our constitution.

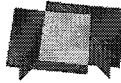
We should let the state keep and use money above current limits.

Coloradans support allowing the state to retain revenue beyond the current limits during times of economic growth, while still maintaining their right to vote on any proposed tax increases. They also made it clear that the legislature should be held accountable to invest these additional funds on priority needs such as education, transportation, mental health and long-term care for seniors.

We should update the state's primary election system to include more than 1 million unaffiliated voters.

Coloradans support making it easier for our 1 million unaffiliated voters – the largest and fastest growing group of voters in the state – to participate in primary elections. They also support reinstating a presidential primary.

Coloradans also were eager to put forward their own solutions. Attendees forwarded more than two dozen policy ideas that were not in materials prepared by our subject-matter experts. Many of those were variants on ways to address Colorado's financial future, ranging from removing all financial formulas from our state constitution to holding a constitutional convention. While there wasn't strong, statewide consensus on a single policy, we were made aware of the difficulty the state's Gallagher Amendment poses in counties with limited property tax base – both on the business community and on the ability for school districts to raise money. That is an idea that may warrant review down the road.

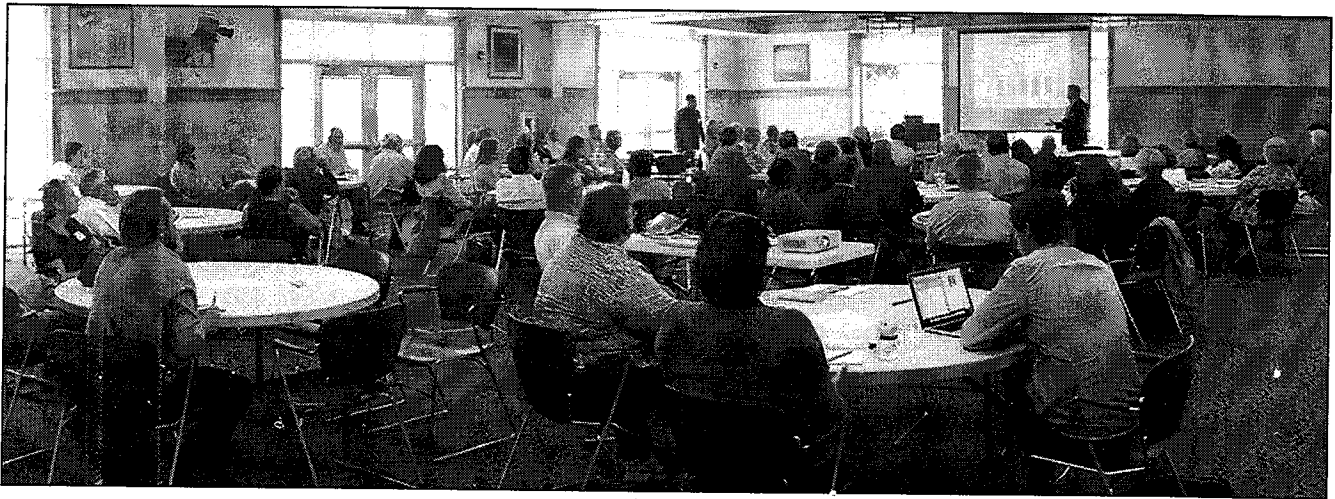


We learned as we went along:

Building a Better Colorado started with a study of the challenges Colorado faces in five areas: election systems, the initiative process, Colorado's financial future, term limits, and campaign finances.

In researching potential solutions, our bipartisan team of subject-matter experts determined that one issue – campaign-finance reform – really required action at the federal level, as opposed to an issue effectively addressed by Colorado voters. Challenges posed by the state's term limits process were folded into our discussions on election systems, but the idea was later eliminated from our discussion materials altogether due to a lack of consensus on the challenges and potential solutions.

Early meetings were scheduled for three hours, and attendees were asked to weigh in on 35 different policy options across our three topic areas. As a result of the feedback and results from the first dozen meetings, we reduced by half the number of policy options participants reviewed in the final 15 meetings and encouraged deeper discussion of ideas and alternatives that continually rose to the surface. As we moved closer to concluding our outreach and witnessed growing consensus around the idea of allowing the state to keep and use revenues beyond the current limit, we asked Coloradans to rank areas where additional revenue from potential fiscal policy initiatives should be directed, and education, transportation, mental health and long-term care for seniors topped the list.



Building a Better Colorado held more than 30 meetings across the state.



DIGITAL OUTREACH

1. Building a Better Colorado's Facebook page reported the following metrics:

Page Likes: 12,229

The number of Facebook users who are fans of Building a Better Colorado.

Engagement: 52,538

The number of unique Facebook users who interacted with the BBCO Page by liking, commenting, or sharing a post.

Impressions: 2,723,790

The number of times content associated with our FB ads was seen by target audiences on Facebook. Impressions = total number of views.

Reach: 282,319

The number of targeted Colorado residents who saw content associated with BBCO on Facebook. (Reach = number of unique viewers).

Email sign-ups: 10,000+

The number of individuals who signed up to receive updates and additional information via our community meetings, online engagement tool and social media.

2. In October, we launched BetterCO.org, which featured details on the project and an engagement tool that allowed visitors to review policy options and weigh in with their comments and opinions on proposed policy options.

Page Views: 87,328

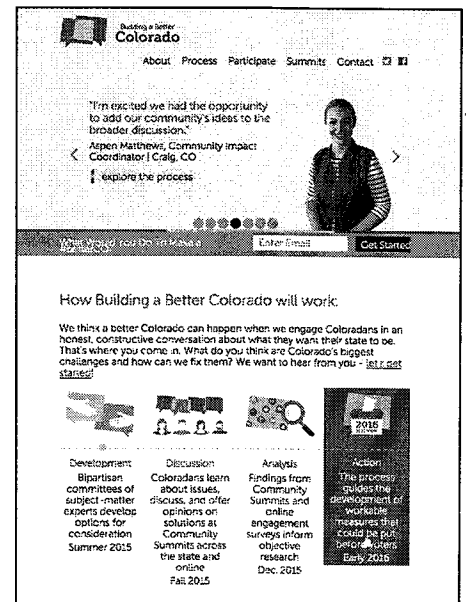
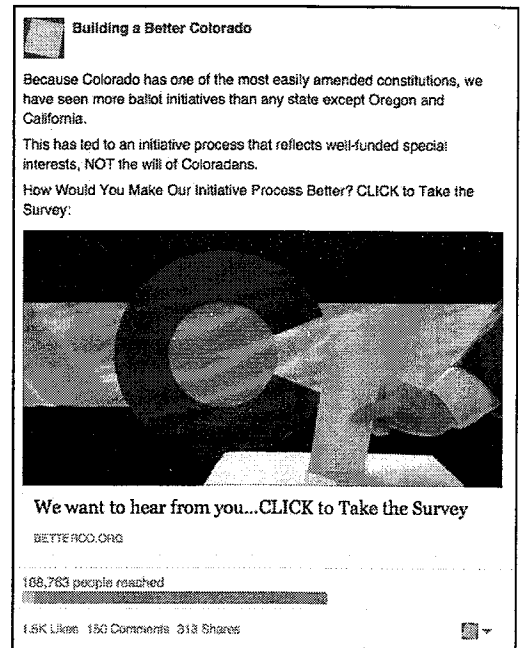
The number of times a user visited a particular page on our website.

Website Users: 17,815

The number of unique visitors that visited the website.

Survey Completions: 5,988

The number of people who completed a survey for any topic.





QUOTES OF NOTE:

A sampling of quotes submitted to us via our website:

FINANCIAL FUTURE

"I would like to see limits on ballot initiatives that affect the state budget. Too much fiscal responsibility has been ceded or taken away from our representatives."

"Let's stop being stupid about our future. ... Let our elected officials do what they're elected to do. Support schools and higher education and health care and roads/bridges."

"TABOR is an important check on legislative power but we need more flexibility to address urgent needs."

INITIATIVES

"The best suggestion is that signatures should be gathered from across the state rather than just in one area."

"Those of us who live on the Western Slope feel like nobody cares what we think and that we don't exist. It would be nice if we could be included in the process of whatever goes on in this state."

"Make it harder to amend constitution and keep it the same for citizen-passed laws that can be changed by a vote of legislature -- they are accountable at elections."

ELECTIONS

"Allow everyone to vote in a primary with one party or the other. That's fair."

"We need a more inclusive process that gives more people the chance to express their preferences. With party membership in decline, the parties should not have a stranglehold on our options for candidates."

"As long as we are legal taxpaying voters, we should have the choice of voting for the person, regardless of the party."



EARNED MEDIA

Support for the effort and topics we asked participants to explore was voiced by editorial boards from The Denver Post, The Colorado Springs Gazette, The Durango Herald and the Loveland Reporter-Herald.

Our summits also drew considerable interest from local media.

A sampling of the coverage:

"A civic organization that dubs itself "Building a Better Colorado" has made promising first steps toward grappling with fiscal and electoral problems often related to provisions in the state constitution. It's strongly bipartisan, for example. ... Moreover, it is focused on important issues like the financial health of the state, our electoral system."

Denver Post editorial, Aug. 24, 2015

"Business leaders who say they've footed a large portion of the cost of keeping bad amendments from being added to Colorado's constitution now are asking company owners and executives to get involved. They want to have a bigger conversation about what changes can be made to make the state's government a more effective engine to help grow the private sector and the economy."

Denver Business Journal, Sept. 17, 2015

"... As things stand, Colorado doesn't fully benefit from the natural growth in revenue that occurs in good times. Meanwhile, in bad times, lawmakers are barred from ensuring that all sectors of the budget share in the cutbacks. The next recession will absolutely devastate unprotected programs. Any civic group that intends to tackle this problem will need to gather a bipartisan coalition willing to ask both sides of the political spectrum to compromise when preparing ballot measures to take before voters. That appears to be what Building a Better Colorado is trying to do. At least we hope so."

Denver Post editorial, Sept. 21, 2015

"Led by political heavy-hitters from both parties, Building a Better Colorado is hosting 40 meetings around the state, gauging public opinion on a variety of solutions and soliciting inventive ideas on the three topics."

Colorado Springs Business Journal, Oct. 20, 2015

"A new organization called Building a Better Colorado is meeting with civic leaders throughout the state in a quest to fix 'a growing disconnect between citizens and their government.' Organizers cite constitutional chaos, declining voter participation and decreasing ability of state government 'to meet the expectation of its citizens' as areas of concern. ... In a meeting with The Gazette's editorial board, it seemed clear the organizers had no hard or hidden agendas."

Colorado Springs Gazette editorial, Oct. 21, 2015

"An effort to address touchy political issues in Colorado law is getting support from San Luis Valley officials. Dubbed Building a Better Colorado, the organization is in the early stages of developing a slate of ballot initiatives designed to fix what organizers call problematic elements of the state's financial structure, election system and the ballot initiative process."

Valley Courier, Oct. 8, 2015



"A group of Weld County officials, business owners and community leaders gathered Wednesday in Greeley to chime in on possible solutions to issues with Colorado's election systems, ballot initiative process and financial future. Building a Better Colorado, a nonpartisan coalition of state leaders, gathered at the 11th of 30 community summits around the state in an attempt to find consensus on the best, and most acceptable, solutions to those three key issues."

Greeley Tribune, Oct. 29, 2015

"The group ... is a bipartisan collective of prominent Colorado leaders who, among other goals, are seeking to untangle Colorado's conflicting constitutional amendments that dictate how the state can spend its money. ... Its meetings are aimed at sparking a community dialogue on issues from state constitutional amendments to political primaries and could lead to a ballot question or questions in 2016 to change constitutional provisions."

Denver Business Journal, Nov. 25, 2015

"A coalition aimed at examining reforms to budget and elections processes in Colorado identified restructuring a hospital fee and strengthening rules governing citizens initiatives as solutions to ease conflicts and challenges facing the state. The Building a Better Colorado coalition – comprised largely of civic and business leaders – sought to address the ease with which Colorado's constitution is amended, decreased participation in elections systems and an "imbalance" between citizens' expectations of government services and the ability to meet desires."

Durango Herald, Nov. 28, 2015

"A group of about two dozen local leaders and interested residents gathered Monday night to weigh in on ideas aimed at creating a brighter future for Colorado. A bi-partisan, grassroots group called Building a Better Colorado hosted a community summit in Sterling, one of dozens that have been or will be held across the state."

Sterling Journal-Advocate, Dec. 8, 2015

"Right now it's halftime for the Building a Better Colorado effort, which has held a series of town meetings across the state. Commendably, the organization has worked very hard to reach beyond the metro area."

Henry Dubroff and John Huggins, Dec. 12, 2015

"These have been really thoughtful conversations, whether we have been in Glenwood Springs or Trinidad or Fort Collins or Greeley. We've got people from all political parties and all walks of life sitting down and having civil conversations about how we can have a better Colorado, and that's something that's really a pleasure to see, given the tone of so much of our political discussion these days."

Loveland Reporter-Herald, Jan. 8, 2016

"People with an IQ greater than their shoe size can tell right away if you're asking for their opinion or telling them yours. We genuinely want the people we're engaging in this conversation to be in control of the outcome."

Special District News, Jan. 2016

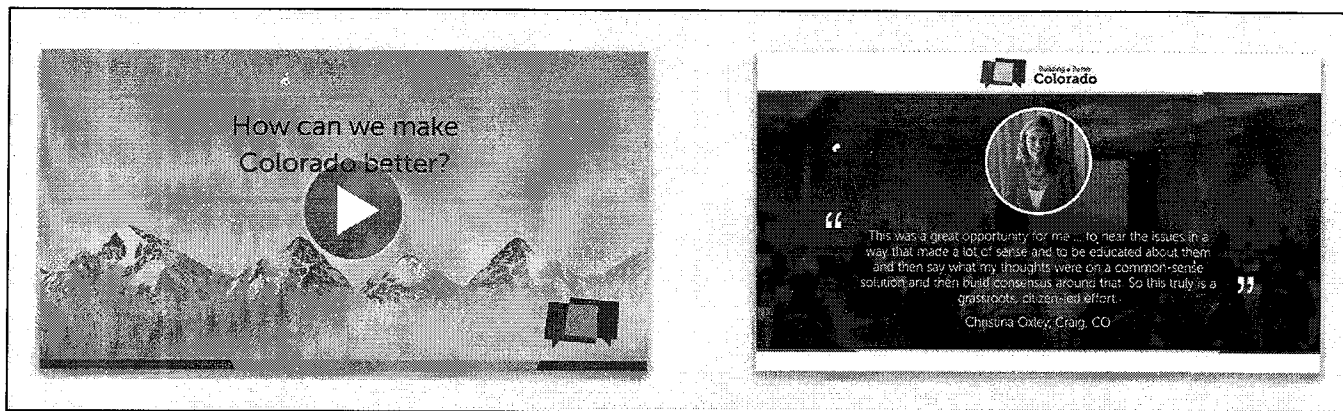
"...Here's what wasn't on the table. Any change to requirements that voters approve new or higher taxes or that permission is needed to incur new public debt. We did talk about the requirement that local and state governments return to taxpayers any revenues over limits set under a formula included in TABOR."

Grand junction Daily Sentinel, Jan. 26, 2016



VIDEOS

We produced a short, animated educational video to explain Building a Better Colorado's purpose and objectives.



The video reached nearly 30,000 Colorado voters, was viewed 16,755 times, and received 257 positive interactions.

A second video highlighting the voices of Coloradans who participated in summits was viewed more than 1,000 times.

NEXT STEPS

As a 501(c)3 organization, Building a Better Colorado's role has been to engage Coloradans in a constructive discussion about these policy challenges in an effort to identify consensus policy recommendations to make our state better. We will defer to other more appropriate political entities to pursue implementation of the recommendations that emerged from this statewide conversation.

Several independent efforts have emerged to pursue implementation of consensus policy ideas via ballot initiatives in 2016. We will watch those efforts closely and report back on results after the November elections.

In the meantime, Building a Better Colorado intends to continue playing close attention to the issues that are important to Coloradans, with the idea of continuing this effort in the months and years to come.

Should you have questions or comments, please let us know at info@betterco.org.

"Please use this group's great leadership and influence to actually make real changes, not just to shine a light on the issues."

- Survey respondent at BetterCO.org