

AUG 19 2011

SUPREME COURT, STATE OF COLORADO

OF THE STATE OF COLORADO
Christopher T. Ryan, Clerk

Case No. 2011SA198

Original Proceeding Pursuant To § 1-40-107(2), 1 C.R.S. (2011)

Appeal from the Ballot Title Setting Board

REPLY BRIEF OF PETITIONER COREY DONAHUE

**IN THE MATTER OF THE TITLE, BALLOT TITLE AND SUBMISSION CLAUSE,
AND SUMMARY FOR PROPOSED INITIATIVE 2011-2012, #29,#30,#31,#32,#33,#34,#35
and #36.**

COREY DONAHUE,

Petitioner,

v.

WILLIAM A. HOBBS, DAN DOMENICO, and JASON GELENDER,

Title Board,

MASON TVERT, and BRIAN VICENTE,

Respondents.

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A. SUMMARY OF ARGUMENT

Looking at both the language in the proposed initiative and the public statements of the proponents will give this court a clear and undeniable understanding as to the true intent, meaning and purpose of the proposed initiatives. As the proponents readily admit the intent of this initiative is to raise taxes, through an excise tax. Thus the title as set does not comply with Article X, section 20 (3)(c), the Taxpayer's Bill of Rights ("TABOR"). Furthermore, the title as set, belies the true intent of the initiatives, as the proponents have repeatedly put forth statements advertising regarding their initiative that disregard and contradict the titles as set by the state. This makes the title as set, untruthful, inaccurate and misleading and will cause confusion by the general public. Colo. Rev. Stat. § 1-40-107(2). As the state of Colorado is solely a creation of the Constitution of Colorado this court is constitutionally mandated to defend the Constitution of Colorado, for the good of the whole. As such, this court has jurisdiction to hear my claim, that the initiatives language violates the Constitution of Colorado. No administrative or procedural act or rule may bar a citizen from seeking a redress if a constitutional right is violated.

B. ARGUMENT

I. THE PROPONENTS ADMIT THAT AN INTENT INITIATIVE IS TO RAISE TAXES ON THE PEOPLE OF COLORADO. IN DOING SO THE TITLES AS SET ARE IN VIOLATION OR THE "TABOR LANGUAGE" UNDER COLO. CONST. ART X. §20(3)(c)

As the proponents submitted 8 proposed initiatives and have admitted in the opening briefs that their initiatives either provide an authorization or direction to the General Assembly to enact an excise tax increase on the people of Colorado. Initiative #30, which is currently being circulated by the proponents, states;

“(d) THE GENERAL ASSEMBLY SHALL ENACT AN EXCISE TAX TO BE LEVIED UPON MARIJUANA SOLD OR OTHERWISE TRANSFERRED BY A MARIJUANA CULTIVATION FACILITY TO A MARIJUANA PRODUCT MANUFACTURING FACILITY OR TO A RETAIL MARIJUANA STORE AT A RATE NOT TO EXCEED FIFTEEN PERCENT PRIOR TO JANUARY 1, 2017 AND AT A RATE TO BE DETERMINED BY THE GENERAL ASSEMBLY THEREAFTER, AND SHALL DIRECT THE DEPARTMENT TO ESTABLISH PROCEDURES FOR THE COLLECTION OF ALL TAXES LEVIED. PROVIDED, THE FIRST FORTY MILLION DOLLARS IN REVENUE RAISED ANNUALLY FROM ANY SUCH EXCISE TAX SHALL BE CREDITED TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND CREATED BY ARTICLE 43.7 OF TITLE 22, C.R.S., OR ANY SUCCESSOR FUND DEDICATED TO A SIMILAR PURPOSE. PROVIDED FURTHER, NO SUCH EXCISE TAX SHALL BE LEVIED UPON MARIJUANA INTENDED FOR SALE AT MEDICAL MARIJUANA CENTERS PURSUANT TO SECTION 14 OF THIS ARTICLE AND THE COLORADO MEDICAL MARIJUANA CODE.”

The proponents in their opening brief state;

“If the allusion is to the authorization or direction, in paragraph 5(d) of each measure, to the General Assembly to enact an excise tax, it is the future action of the General Assembly that would be submitted to the voters as a proposed tax increase with the “TABOR language” in the ballot title – if and when the timing and amount of such tax is determined by the General Assembly.”

As this initiative will be a direct command from the people of Colorado to increase taxes any non compliance by the General Assembly would place the General Assembly in violation of the

Constitution, thus setting the timing of such tax increase. As the General Assembly's power is solely derived from the Constitution of Colorado and these initiatives would alter the Constitution of Colorado requiring, in some cases, and specifically in the one currently being circulated, the General Assembly to enact a tax. The tax will be enacted by the People of Colorado the only power granted to the General Assembly in regards to this tax is the percentage of tax that is required and a clause that prevents the General Assembly from enacting additional excise taxes.

The proponents have also made public statement in which they specifically say that the initiative will clearly raise a tax on the people of Colorado. (http://www.denverpost.com/commented/ci_18456044?source=commented)

“A proponent who brought the legalization proposal says he thought the amendment was clear that, if it's approved, pot would face a 15 percent excise tax.”

If the proponents state it's clear in their language that they are raising taxes, then clearly it must comply with COLO. CONST. ART X. §20(3)(c). As COLO. CONST. ART X. §20(3)(c) does not say a proposed tax raise must be made clear, but rather has very specific language, verbiage and is so specific as how a proposed tax raise is to be treated it even dictates that capitalized bold font must be used;

Ballot titles for tax or bonded debt increases shall begin, "SHALL (DISTRICT) TAXES BE INCREASED (first, or if phased in, final, full fiscal year dollar increase) ANNUALLY...?" or "SHALL

**(DISTRICT) DEBT BE INCREASED (principal amount), WITH A
REPAYMENT COST OF (maximum total district cost), ...?"**

The proponent's statements and initiative language are very clear that one of the intents is to raise taxes. Without this initiative and the tax created by it there would be no tax increase on the people of Colorado. Thus, the titles must comply with TABOR.

II. THE TITLES ARE NOT FAIR, CLEAR, BRIEF AND ACCURATE.

The true intent of this proposed amendment is not reflected in the title set by the Title Board. In their opening briefs both the State and the Proponents argue that the titles are "fair, clear, accurate and complete," and my arguments are only brought to this court because the titles could be more fair, clear, accurate and complete." The State's and Proponent's line of argument is without merit. I bring forth my arguments because the titles, as set, are entirely unfair, unclear, inaccurate and incomplete. My challenge of the titles in front of both the Title Board and this court are prima facie arguments that the titles are inaccurate. My suggestions in front of the Title Board are simply a one citizen's suggestions on how these titles could be made fair, clear, accurate and complete. My arguments as why the titles, as set, are not fair, clear, accurate and complete were laid out in my opening brief to this court. The claims by the proponents, which I mentioned in my opening brief, are still being made. The statements made by the proponents as well as additional statements which were made after the I submitted my opening brief to this court which lend more credence to the fact that the titles as set are not, fair, clear, accurate, complete and do not reflect the true intent of the proponent's initiatives. The proponents in their opening brief state;

The titles set for Proponents' measures fairly and succinctly express the true meaning and intent of the proposed initiatives. **Particularly with the requested deletion at the rehearing of the phrase "in a manner similar to alcohol"** each of these titles is fair, clear, brief, and accurate. (Emphasis Added)

If the titles as set are fair, clear, accurate and complete then why are the proponents presenting their initiatives to the people of Colorado with phrasing that the Title Board struck as misleading, inaccurate or confusing?

1. Similar to Alcohol

The Proponents argued successfully on July 6 to have the words "in a manner similar to alcohol" removed from the ballot title as it would be misleading to voters. In their opening brief the proponents reaffirmed that removal of the phrase "in a manner similar to alcohol" made the titles fair, clear, brief, and accurate. Given this, the proponents continued claims that they are regulating or legalizing marijuana like alcohol shows that the titles as set are not fair, clear, brief and accurate.

The proponents reaffirmed that the use of the phrase "similar to alcohol" would be misleading to voters on July 27, 2011 when proponent Tvert said,

As one of the two formal proponents of the initiative, I can speak to all of this...

Actually, the phrase "similar to alcohol" was produced and included by the Title Board and very welcomed by the proponents. However, it is a catchphrase that would in all likelihood be shot down by the Colorado Supreme Court if challenged. The campaign did not want to have to go through a likely losing court challenge and get held up, so we simply accepted a complainant's argument that it should be removed.

(http://www.reddit.com/r/Denver/comments/izvht/denver_redditors_what_do_you_think_about_the/)

The proponent's website (<http://www.regulatemarijuana.org/>) is also misleading and confuses the voter and hides the true intent of the proponents, as the banner of the website reads, "Campaign to Regulate Marijuana Like Alcohol." Throughout the proponents website there are frequent references to "The Campaign to Regulate Marijuana Like Alcohol."

The Campaign to Regulate Marijuana Like Alcohol is the driving force behind a 2012 statewide ballot initiative to end marijuana prohibition in Colorado. It is a locally based effort being carried out by a broad and growing coalition of activists, organizations, businesses, and professionals throughout the state and across the nation.

The Regulate Marijuana Like Alcohol Act of 2012 makes the adult use of marijuana legal, **establishes a system in which marijuana is regulated and taxed similarly to alcohol**, and allows for the cultivation of industrial hemp. Click here to read the full initiative language. Passage of this initiative will be historic, resulting in Colorado becoming the first state in the nation – and the first geographic area in the world – to make the possession, use, and regulated production and distribution of marijuana legal for adults.(Emphasis Added)

(<http://www.regulatemarijuana.org/about>)

Although "in a manner similar to alcohol" is not used by the proponents the use of the phrase "like alcohol" and "establishes a system in which marijuana is regulated and taxed similarly to alcohol" would confuse and mislead voters and also hides the true intent of the initiative. As the phrases "establishes a system in which marijuana is regulated and taxed similarly to alcohol" and "like" are interchangeable synonyms for "in a manner similar to alcohol, which presents the same argument the Title Board struck as it would be misleading and inaccurate. The proponents agreed

with the Title Board's decision to remove the words "in a manner similar to alcohol" and stated in their opening brief that the removal of the phrase "in a manner similar to alcohol" from the titles made the titles fair, clear, brief, and accurate," yet the proponents continue to market their proposed amendment to the people of Colorado as The Regulate Marijuana Like Alcohol Act of 2012. Doing so clearly shows that the titles as set are not fair, clear, brief, and accurate. The title board erred in setting the titles if the proponents cannot state clearly their initiatives purpose to the people of Colorado with the titles as set. If the proponents cannot state to the public the intent of their initiatives with the titles as set, then one cannot believe that the titles are fair, clear, brief and accurate.

2. State wide authority through the Department of Revenue's Medical Marijuana Enforcement Division as stipulated by The Medical Marijuana Code.

The State and Proponents both claim in their opening brief that certain regulatory and enforcement powers are delegated to other government entities. Yet one of the proponents stated, on the same day opening briefs were submitted to the court;

Tvert said his campaign took lessons from Proposition 19's failure in California last year. Prop 19 would have allowed municipalities to regulate marijuana, a provision often criticized because it would have required local and state regulation. The Colorado initiative calls for uniform state regulation, Tvert said.

<http://www.baycitizen.org/marijuana/story/will-colorado-beat-california-legalize/>

The proponents are on record as saying they have learned from the failures of provisions in similar initiatives that allowed for local and state regulations and that the intent of their initiative is for a uniform state regulation. The uniform state regulation is clearly spelled out when the proposed

initiative makes reference to the article 12-43.3-101, C.R.S.(2010), (Medical Marijuana Code), ten times throughout the language. The references are made in sections,

(2) Definitions.

(a) "COLORADO MEDICAL MARIJUANA CODE" MEANS ARTICLE 43.3 OF TITLE 12, COLORADO REVISED STATUTES.

(m) "MEDICAL MARIJUANA CENTER" MEANS AN ENTITY LICENSED BY A STATE AGENCY TO SELL MARIJUANA AND MARIJUANA PRODUCTS PURSUANT TO SECTION 14 OF THIS ARTICLE AND THE COLORADO MEDICAL MARIJUANA CODE.

(5) Regulation of marijuana.

(a)(II) A SCHEDULE OF APPLICATION, LICENSING AND RENEWAL FEES, PROVIDED, APPLICATION FEES SHALL NOT EXCEED FIVE THOUSAND DOLLARS, WITH THIS UPPER LIMIT ADJUSTED ANNUALLY FOR INFLATION, UNLESS THE DEPARTMENT DETERMINES A GREATER FEE IS NECESSARY TO CARRY OUT ITS RESPONSIBILITIES UNDER THIS SECTION, AND PROVIDED FURTHER, AN ENTITY THAT IS LICENSED UNDER THE COLORADO MEDICAL MARIJUANA CODE TO CULTIVATE OR SELL MARIJUANA OR TO MANUFACTURE MARIJUANA PRODUCTS AT THE TIME THIS SECTION TAKES EFFECT AND THAT CHOOSES TO APPLY FOR A SEPARATE MARIJUANA ESTABLISHMENT LICENSE SHALL NOT BE REQUIRED TO PAY AN APPLICATION FEE GREATER THAN FIVE HUNDRED DOLLARS TO APPLY FOR A LICENSE TO OPERATE A MARIJUANA ESTABLISHMENT IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION;

(b)(I) HAS PRIOR EXPERIENCE PRODUCING OR DISTRIBUTING MARIJUANA OR MARIJUANA PRODUCTS PURSUANT TO SECTION 14 OF THIS ARTICLE AND THE COLORADO MEDICAL MARIJUANA CODE IN THE LOCALITY IN WHICH THE APPLICANT SEEKS TO OPERATE A MARIJUANA ESTABLISHMENT;

(b)(II) HAS, DURING THE EXPERIENCE DESCRIBED IN SUBPARAGRAPH (I), COMPLIED CONSISTENTLY WITH SECTION 14 OF THIS ARTICLE, THE PROVISIONS OF THE COLORADO MEDICAL MARIJUANA CODE AND CONFORMING REGULATIONS.

(d) THE GENERAL ASSEMBLY SHALL ENACT AN EXCISE TAX TO BE LEVIED UPON MARIJUANA SOLD OR OTHERWISE TRANSFERRED BY A MARIJUANA CULTIVATION FACILITY TO A MARIJUANA PRODUCT MANUFACTURING FACILITY OR TO A RETAIL MARIJUANA STORE AT A RATE NOT TO EXCEED FIFTEEN PERCENT PRIOR TO JANUARY 1, 2017 AND AT A RATE TO BE DETERMINED BY THE GENERAL ASSEMBLY THEREAFTER, AND SHALL DIRECT THE DEPARTMENT TO ESTABLISH PROCEDURES FOR THE COLLECTION OF ALL TAXES LEVIED. PROVIDED, THE FIRST FORTY MILLION DOLLARS IN REVENUE RAISED ANNUALLY FROM ANY SUCH EXCISE TAX SHALL BE CREDITED TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND CREATED BY ARTICLE 43.7 OF TITLE 22, C.R.S., OR ANY SUCCESSOR FUND DEDICATED TO A SIMILAR PURPOSE. PROVIDED FURTHER, NO SUCH EXCISE TAX SHALL BE LEVIED UPON MARIJUANA INTENDED FOR SALE AT MEDICAL MARIJUANA CENTERS PURSUANT TO SECTION 14 OF THIS ARTICLE AND THE COLORADO MEDICAL MARIJUANA CODE.

(7) Medical marijuana provisions unaffected. NOTHING IN THIS SECTION SHALL BE CONSTRUED: (a) TO LIMIT ANY PRIVILEGES OR RIGHTS OF A MEDICAL MARIJUANA PATIENT, PRIMARY CAREGIVER, OR LICENSED ENTITY AS PROVIDED IN SECTION 14 OF THIS ARTICLE AND THE COLORADO MEDICAL MARIJUANA CODE;

(c) TO PERMIT A MEDICAL MARIJUANA CENTER TO PURCHASE MARIJUANA OR MARIJUANA PRODUCTS IN A MANNER OR FROM A SOURCE NOT AUTHORIZED UNDER THE COLORADO MEDICAL MARIJUANA CODE;

(d) TO PERMIT ANY MEDICAL MARIJUANA CENTER LICENSED PURSUANT TO SECTION 14 OF THIS ARTICLE AND THE COLORADO MEDICAL MARIJUANA CODE TO OPERATE ON THE SAME PREMISES AS A RETAIL MARIJUANA STORE.

TO DISCHARGE THE DEPARTMENT, THE COLORADO BOARD OF HEALTH, OR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FROM THEIR STATUTORY AND CONSTITUTIONAL DUTIES TO REGULATE MEDICAL MARIJUANA PURSUANT TO SECTION 14 OF THIS ARTICLE AND THE COLORADO MEDICAL MARIJUANA CODE.

The constant references to the Medical Marijuana Code and the public statement made by one of the Proponents as to a uniform state regulation of the proposed initiatives clearly show that the titles, as set, are not fair, clear, brief, or accurate or the proponents are confused regarding the title and language in their initiative and thus the titles as set cannot be fair, clear, brief or accurate. It is clear from the amount of verbiage in the initiatives which references the Medical Marijuana Code and the public statement by one of the proponents that the intent of the initiatives is to regulate marijuana like medical marijuana with enforcement through the Department of Revenue's Medical Marijuana Enforcement Division.

As the voters of Colorado enacted Amendment 20, (0-4-287 - ARTICLE XVIII - Miscellaneous Art. XVIII – Miscellaneous) in 2000 and recently we have had the article 12-43.3-101, C.R.S.(2010) (Medical Marijuana Code) attempt to set a regulatory scheme on this constitutional amendment. The voters of Colorado need to know, in order to avoid confusion, how this proposed (Regulate Marijuana) constitutional amendment will be regulated. This Court held that the Board should have included the titles in a new definition of the term “abortion because the definition “adopts a legal standard that is new and likely to be controversial.” *In re Proposed initiative on parental notification of abortions for minors*, 794 P.2d, 238, 242 (Colo.1990). In the State's opening brief it is clearly affirmed that “The legality of marijuana possession and use

indisputably is a subject of great public debate.” The legality of marijuana possession is a subject of great public debate the Title Board must include the regulatory entity of this hotly debated and currently illegal crop, as it can be nothing less than new, substantial and controversial and would require greater detail in the title.

The State claims in their opening brief that the proposals’ expansion of legal duties imposed upon the Department of Revenue are not a central feature of the measure. Yet, the sheer amount of verbiage dedicated to the Medical Marijuana Code as a structure of regulation and the Proponents public statements that their intent is to set up uniform state regulation, clearly shows that a uniform state wide regulation is a central feature of the measure and a reference must be included in the title to ensure the titles are fair, clear, brief and accurate.

3. Legalization

At the first Title Board hearing on June 15, the proponents clarified that their initiatives should not be considered "legalization" and argued successfully to have the word "legalization" removed from their ballot titles. “What we are doing is regulating marijuana. There is a significant legal difference. It would be inaccurate to call this legalization.”

Yet on the proponents website (<http://www.regulatemarijuana.org>) they clearly say that they are legalizing marijuana,

KUSA NBC 9: Marijuana legalization may make it onto Colo. ballot
July 17th, 2011
Your Show
KUSA NBC 9

“It’s a topic that has been before the voters in the past.

Now, next year, regulating and legalizing marijuana could appear - again - as an initiative on the Colorado ballot.

Chris Vanderveen asks your questions to one of the people behind the marijuana movement for YOUR SHOW.”

(<http://www.regulatemarijuana.org/news/kusa-nbc-9-marijuana-legalization-may-make-it-colorado-ballot>)

On their Facebook page the proponents once again state that their Act would make the adult use of marijuana legal.

The Regulate Marijuana Like Alcohol Act of 2012 makes the adult use of marijuana legal, establishes a system in which marijuana is regulated and taxed similarly to alcohol, and allows for the cultivation of industrial hemp. Click [here](#) to read the full initiative language. Passage of this initiative will be historic, resulting in Colorado becoming the first state in the nation – and the first geographic area in the world – to make the possession, use, and regulated production and distribution of marijuana legal for adults. (Emphasis Added)

(http://www.facebook.com/coloradoMJinitiative2012#!/coloradoMJinitiative2012?v=info#info_edit_sections)

One proponent sent out an email announcing to that they are launching a full-scale effort to legalize marijuana in Colorado in 2012. I restated this section as I neglected to add a link to where you could view the email, I have corrected this error and the link is below the email.

Massive Campaign Launched to Regulate Marijuana for Adults in Colorado

This week, Sensible Colorado, along with a broad and growing coalition of organizations and supporters launched a full-scale effort to legalize marijuana in Colorado in 2012. In a matter of days, signature gatherers will be stationed around the state educating voters and gathering the necessary support to place an initiative on the November 2012 ballot. The initiative will remove penalties for private marijuana possession and

limited home growing, and establish a legal and regulated marijuana market for adults 21 and over.

To read the initiative and learn more about the effort check out the campaign's BRAND NEW WEBSITE HERE.

The campaign went through an exceptionally exhaustive five-plus-month process to produce the initiative language, which we believe is incredibly strong and presents the best route to ending marijuana prohibition here in Colorado. We coordinated with dozens of organizations, attorneys, activists, patients, marijuana business owners, and other stakeholders, both in Colorado and around the country. We also solicited comments from the public via our organizations' lists of thousands of Colorado reform supporters, magazine ads, and events around the state and incorporated much of this input.

Please get in touch today to volunteer or learn more!

And don't forget to DONATE to support this historic effort!

Sensible Colorado | PO Box 18768 | Denver CO 80218 (emphasis added)
(<https://app.e2ma.net/app/view:CampaignPublic/id:2356.7125005765/rid:5b6d7e077a23f49e1b7e9fbb0fdc158e>)

Although the State Title Board and the proponents agreed this is not legalization, the proponents are stating to the people of Colorado that the intent of this proposed amendment is to make the possession, use, and regulated production and distribution of marijuana legal for adults. Making statements to the people of Colorado that are diametrically opposed to the statements the proponents made in front of the Title Board misleads the State and the people of Colorado as to the true intent of the proponents and clearly shows that the titles are no fair, clear, brief and accurate.

4. Regulation of a Controlled Substance.

For the state to regulate a market or substance the said market or substance must be legal. This argument is clearly spelled out in Attorney General John W. Suthers April 26,

2011 packet to Governor John Hickenlooper and Members of the Colorado General Assembly, RE: Federal Enforcement of Marijuana Laws.

(<http://www.scribd.com/doc/54054431/Colorado-Attorney-General-s-Office-package-for-HB-1043>)

As the state of Colorado cannot legally set up a regulatory scheme on a substance which will still be listed under C.R.S 18-18-102(18). The true intent of the proponents cannot be for the “Regulation of Marijuana,” as that intent would be confusing and misleading to the people of Colorado.

III. AS THE TITLE BOARD IS COSTITUTIONALLY MANDATED TO SET PROPOSED TAX RAISES IN ACCORDANCE WITH THE CONSTITUTION OF COLORADO. THE “TABOR LANGUAGE” TITLE, COLO. CONST. ART. X §20(3)(c), THE COMPLAINT IS APPROPRIATE AND THIS COURT DOES HAVE JURISDICTION IN THIS MATTER.

Both the State and the Proponents assert that the court has no jurisdiction to hear this claim, they state that, “Objectors must raise an issue either in their motion for rehearing or at the hearing on the motion.” *In re Title, Ballot Title and Submission Clause, and Summary for 1999-2000 #265*, 3 P.3d 1210, 1215 (Colo.2000). This is an incorrect line of argument as an objection is always present when a violation of the Constitution takes place. The State and Proponents believe that because I did not voice my objection to this violation of the Constitution at an appropriate and State sanctioned hearing that my objections can be dismissed. This too is incorrect, as the Constitution specifically devolves power to the people to enjoy and defend their liberties and of seeking and obtaining their

safety. As such, no act or procedure created by the Legislature or Departmental rules can prevent me from defending my liberties, in conformance with the Constitution of Colorado.

As the TABOR argument was brought up at the first Title Board hearing, nothing I did or did not do in my subsequent petition for a rehearing and hearing in front of this court can prevent me from redressing my grievances to this court in regards to the TABOR language. The Title Board failed in its primary duty to up hold the Constitution of Colorado by allowing the titles to be set that did not complying with the Constitution of Colorado.

IV. CONCLUSION

WHEREFORE, Petitioner Corey Donahue respectfully requests that this Court review and reverse the decisions of the Title Board with respect to proposed initiative 2011-2012, #29 through #36 and instruct the Title Board to set a title accordance with Article X, section 20 (3)(c) of the Constitution of Colorado. As well as set that title to read that regulation will be similar to medical marijuana with enforcement primarily through the DOR and MMED as specified in the Medical Marijuana Code. Or reverse the action of the Title Board and return this matter to the Board with directions to strike the title and return the initiative to the proponents.

DATED THIS 19th DAY OF August, 2011.

RESPECTFULLY SUBMITTED,

By:

Corey Donahue
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(720) 340-9730

CERTIFICATE OF DELIVERY

I, the undersigned, do hereby certify that a true and correct copy of the foregoing, reply brief of Petitioner Corey Donahue was duly delivered by hand devilry, this 19th day of August, 2011, addressed to the following:

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