

SUPREME COURT
STATE OF COLORADO

2 East 14th Avenue
Denver, CO 80203

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
2013-2014 #124

Petitioner: Patricia S. Peters,

v.

Respondents: Jon Caldera and Mike Kraus,

and

Title Board: Suzanne Staiert, David Blake,
and Jason Gelender.

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Case No. 2014SA140

ANSWER BRIEF OF TITLE BOARD

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:

A. The brief complies with C.A.R. 28(g) because it contains 424 words.

B. The brief complies with C.A.R. 28(k) because, for the party responding to the issue, it contains, under a separate heading, a statement of whether such party agrees with the opponent's statements concerning the standard of review and preservation for appeal, and if not, why not.

s/ LeeAnn Morrill
LeeAnn Morrill
Attorney for the Title Board

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Title Board members Suzanne Staiert, David Blake, and Jason Gelender (hereinafter “the Board”), by and through undersigned counsel, hereby submit the Answer Brief of Title Board.

ARGUMENT

- I. **The Court should reject Petitioner’s challenge to the substance of the title; the Board’s title is fair, clear, and accurate.**
 - A. **Standard of review and preservation of the issue below.**

The Board agrees with the Petitioner’s statements regarding the standard of review for, and preservation for appeal of, this issue.

- B. **The title set by the Board is not misleading or confusing.**

Petitioner complains that the Board’s title fails to clearly and concisely summarize #124’s “central features” because, on the one hand, it fails to set forth all of the legal requirements that the newly created “local public body” will be subject to under existing law and, on the other hand, it fails to set forth all of the legal exceptions that the newly

created “local public body” will be subject to under existing law. (*Opening Brief*, at p. 4-10). Put another way, Petitioner complains that the Board’s title fails to address both sides of the same coin – namely, how the core change to the Colorado Open Meetings Law caused by #124 will interplay with existing provisions of that law.

This Court should reject the Petitioner’s contentions because a proper title is not required to discuss either how a proposed measure would change existing laws, or the interplay of a measure with existing laws. *In the Matter of Title, Ballot Title and Submission Clause, and Summary for 1999-2000 246(e)*, 8 P.3d 1194, 1197 (Colo. 2000); *In re Title, Ballot Title and Submission Clause and Summary for 1999-2000 #255*, 4 P.3d 485, 498 (Colo. 2000). Accordingly, it is immaterial to the title setting process that the means by which #124 reaches its ends is by expanding an existing legal definition. It is likewise immaterial that any newly defined “local public body” resulting from #124 will, in turn, be subject to other existing legal requirements and exceptions.

Rather, the Board fulfilled its statutory duty by crafting a title that plainly expresses the measure's core purpose – namely, to require any meeting of members of a board of education, school administration personnel, or a combination of the two with a representative of employees, at which a collective bargaining agreement is discussed, to be open to the public. As a result, this Court should sustain the Board's title because it is neither misleading nor confusing.

CONCLUSION

For the above-stated reasons, the Court should approve the title as set by the Board.

DATED: May 29, 2014.

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CERTIFICATE OF SERVICE

This is to certify that I duly served the foregoing **ANSWER BRIEF OF TITLE BOARD** upon all counsel of record via ICCES and upon all proponents by depositing copies of same in the United States mail, Express Mail, postage prepaid, at Denver, Colorado, on May 29, 2014, addressed as follows:

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