

<p>SUPREME COURT OF COLORADO 2 E. 14th Ave., 4th Floor Denver, CO 80203</p>	<p>FILED IN THE SUPREME COURT</p> <p>MAR 24 2016</p> <p>OF THE STATE OF COLORADO Christopher T. Ryan, Clerk</p> <p>▲ COURT USE ONLY ▲</p>
<p>Original Proceeding Pursuant to Colo. Rev. Stat. § 1-40-107 (2) Appeal from the Ballot Title Board</p>	
<p>In the Matter of the Title, Ballot Title, and Submission Clause for Proposed Initiative 2015- 2016 #87 (Fiscal Impact Statements for Initiated Measures)</p> <p>Petitioner: DENNIS POLHILL</p> <p>v.</p> <p>Respondents: Peter Moore, Robert Golden and Title Board</p>	
<p>Attorney for Petitioners: None. Petitioner is proceeding pro se</p>	<p>Case Number: 16SA104</p>
<p>PETITION FOR REVIEW OF FINAL ACTION OF BALLOT TITLE SETTING BOARD CONCERNING PROPOSED INITIATIVE 2015-2016 (Fiscal Impact Statements for Initiated Measures)</p>	

Dennis Polhill (petitioner), registered elector of the State of Colorado, respectfully petitions this court, pursuant to C.R.S. § 1-40-107 (2), to review the actions of the Title Setting Board with respect to the jurisdiction of the title board

and the title, ballot title, and submission clause set for Initiative 2015-2016 #87 (Fiscal Impact Statements for Initiated Measures).

STATEMENT OF THE CASE

A. Procedural history

Initiative 2015-2016 #87 was filed by respondents. A review and comment hearing was held before representatives of the Offices of Legislative Council and Legislative Legal Services. 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 2, 2016, and March 9, 2016, petitioner filed motions 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 the Title Board denied the motions for rehearing to set title or to cure deficiencies in the in the title it had set.

B. Jurisdiction

Petitioner is entitled to a review before the Colorado Supreme Court pursuant to C.R.S. § 1-40-107 (2). Petitioner timely filed motions for rehearing with the Title Board. *See* C.R.S. § 1-40-107 (1). Petitioner timely filed this

Petition for Review within seven days from the date of the Title Board hearing.

C.R.S. § 1-40-107 (2).

Attached to this Petition for Review are certified copies of the petition with the titles and submission clause of the proposed law or constitutional amendment, together with a certified copy of the motion for rehearing and of the ruling thereon.

C.R.S. § 1-40-107 (2). Petitioner believes that the Title Board erred in denying petitioners' motions for rehearing.

GROUNDS FOR APPEAL

The Colorado Constitution reserves the right of the initiative to the people of the State of Colorado. Colo. Const. Art. V., Sec. 1., Para. (2). In violation of C.R.S. §§ 1-40-106, -107, the title set by the Title Board is misleading, does not fairly and correctly express the true meaning of the proponents or the proposed initiative, and will lead to voter confusion. The following is an advisory list of issues to be addressed in petitioners' brief:

ADVISORY STATEMENT OF ISSUES PRESENTED FOR REVIEW

1. The Title Board did not have jurisdiction to set title
2. The measure violates the single subject requirement of the Colorado Constitution by seeking to address separate subjects that are created by the

measure. The two subjects are fiscal statements AND longer ballots with “summaries” of the statements

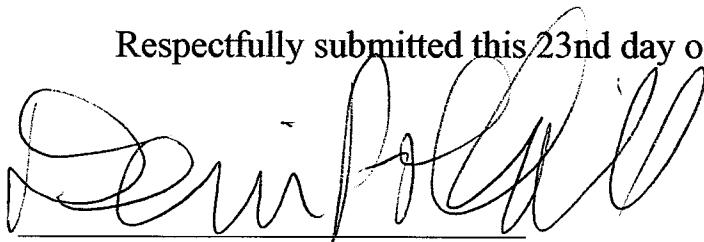
3. The title is incomplete and thus misleading because it does not reflect the intent, effect, or complexity of the initiative.

4. Furthermore, the title contains an impermissible catch phrase. “nonpartisan” is a loaded, biased term; it seeks to convey but it does not mean neutral, fair, or accurate. Staff works for partisan politicians generally hostile to petitions.

PRAYER FOR RELIEF

Petitioner respectfully requests that Court issue a brief schedule in this matter for the parties to submit briefs in support of their position. Once the briefs are received by the Court, petitioner requests that the Court determine that the Title Board exceeded its jurisdiction and/or set a title that is neither fair nor accurate. Petitioners respectfully request that the title be denied due to a lack of jurisdiction or that the matter be remanded to the Title Board for a different title.

Respectfully submitted this 23rd day of March, 2016, by:



Dennis Polhill
49 S. Lookout Mountain Rd.
Golden, CO 80401

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing was delivered to the following on the 23rd day of March, 2016:

Via hand-delivery

Supreme Court of Colorado
2 East 14th Ave.
4th Floor
Denver, CO 80203

Via first-class, postage-prepaid, United States mail

Peter Moore
1099 18th Street, Suite 2600
Denver, CO, 80202

Robert Golden
2154 E. Commons Ave., suite 342
Centennial, CO, 80122

Elizabeth H. Titus
Hogan Lovells US LLP
1200 Seventeenth St., Suite 1500
Denver, CO 80202



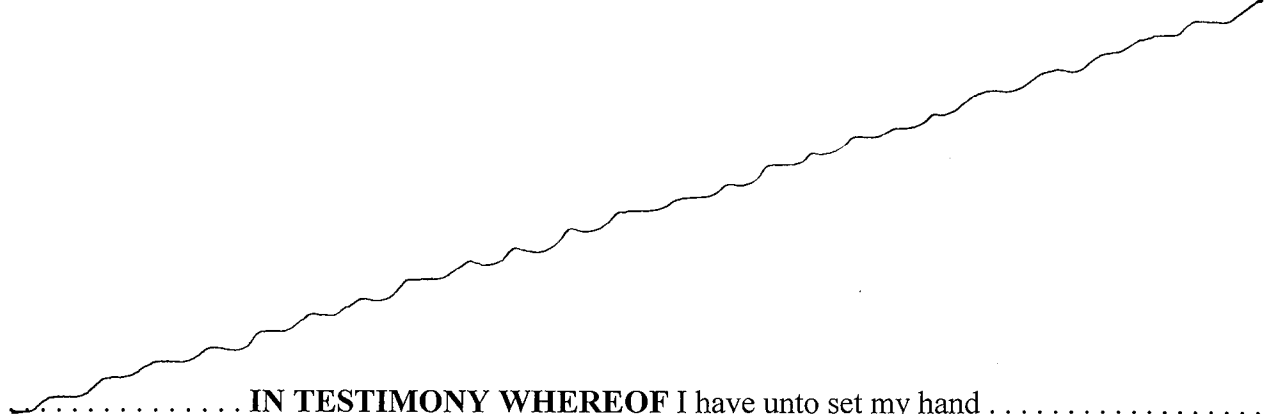
STATE OF COLORADO

DEPARTMENT OF
STATE

CERTIFICATE

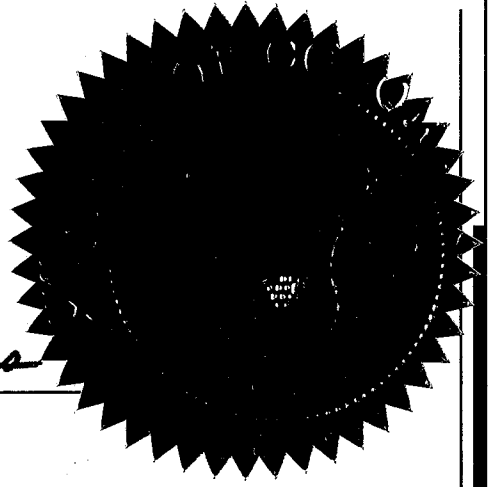
I, **WAYNE W. WILLIAMS**, Secretary of State of the State of Colorado, do hereby certify that:

the attached are true and exact copies of the filed text, motion for rehearing, and the rulings thereon of the Title Board for Proposed Initiative "2015-2016 #87 'Fiscal Impact Statements for Initiated Measures'".....



..... **IN TESTIMONY WHEREOF** I have unto set my hand
and affixed the Great Seal of the State of Colorado, at the
City of Denver this 22nd day of March, 2016.

Wayne W. Williams
SECRETARY OF STATE



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2015-2016 #87 - Final

Colorado Secretary of State

Fiscal Impact Statement Required

Be it Enacted by the People of the State of Colorado:

SECTION 1. In the constitution of the state of Colorado, add subsection (7.6) of article V, section 1 as follows:

Section 1. General assembly – initiative and referendum. (7.6)(A) FOR ALL ELECTIONS AT WHICH THE VOTERS OF THE ENTIRE STATE WILL VOTE ON ANY INITIATED CONSTITUTIONAL AMENDMENT OR LEGISLATION, THE NONPARTISAN RESEARCH STAFF OF THE GENERAL ASSEMBLY SHALL PREPARE A FAIR AND IMPARTIAL FISCAL IMPACT STATEMENT DESCRIBING THE PROJECTED FINANCIAL CONSEQUENCES OF ANY SUCH AMENDMENT OR LEGISLATION. THE FISCAL IMPACT STATEMENT SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO:

(I) AN ESTIMATE OF THE EFFECT THE AMENDMENT OR LEGISLATION WILL HAVE ON EMPLOYMENT WITHIN THE STATE INCLUDING THE NUMBER OF JOBS THAT WILL BE LOST OR CREATED IF SUCH AMENDMENT OR LEGISLATION IS ENACTED;

(II) AN ESTIMATE OF THE EFFECT THE AMENDMENT OR LEGISLATION WILL HAVE ON STATE AND LOCAL GOVERNMENT REVENUES, EXPENDITURES, TAXES, AND FISCAL LIABILITIES IF SUCH AMENDMENT OR LEGISLATION IS ENACTED;

(III) AN ESTIMATE OF THE AMOUNT OF ANY STATE AND LOCAL GOVERNMENT RECURRING EXPENDITURES OR FISCAL LIABILITIES IF SUCH AMENDMENT OR LEGISLATION IS ENACTED; AND

(IV) AN ESTIMATE OF THE IMPACT TO THE AVERAGE TAXPAYER, IF FEASIBLE, IF SUCH AMENDMENT OR LEGISLATION IS ENACTED.

(B) A SUMMARY OF THE FISCAL IMPACT STATEMENT SHALL APPEAR ON THE BALLOT IMMEDIATELY FOLLOWING THE AMENDMENT OR LEGISLATION TO WHICH IT PERTAINS. THE SUMMARY THAT APPEARS ON THE BALLOT SHALL INCLUDE BUT SHALL NOT BE LIMITED TO A SUMMARY OF THE INFORMATION DESCRIBED IN SUBSECTIONS A(I) THROUGH A(IV) OF THIS SUBSECTION 7.6.

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Colorado Secretary of State

2015-2016 #87 - Amended

Fiscal Impact Statement Required

Be it Enacted by the People of the State of Colorado:

SECTION 1. In the constitution of the state of Colorado, add subsection (7.6) of article V, section 1 as follows:

Section 1. General assembly - initiative and referendum. (7.6)(A) FOR ALL ELECTIONS AT WHICH THE VOTERS OF THE ENTIRE STATE WILL VOTE ON ANY INITIATED CONSTITUTIONAL AMENDMENT OR LEGISLATION, THE NONPARTISAN RESEARCH STAFF OF THE GENERAL ASSEMBLY SHALL PREPARE A FAIR AND IMPARTIAL FISCAL IMPACT STATEMENT DESCRIBING THE PROJECTED FINANCIAL CONSEQUENCES OF ANY SUCH AMENDMENT OR LEGISLATION. THE FISCAL IMPACT STATEMENT SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO:

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(III) AN ESTIMATE OF THE AMOUNT OF ANY STATE AND LOCAL GOVERNMENT RECURRING EXPENDITURES OR FISCAL LIABILITIES IF SUCH AMENDMENT OR LEGISLATION IS ENACTED; AND

(IV) AN ESTIMATE OF THE IMPACT TO THE AVERAGE TAXPAYER, IF FEASIBLE, IF SUCH AMENDMENT OR LEGISLATION IS ENACTED.

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S. WARD

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Colorado Secretary of State

2015-2016 #87 - Original

Fiscal Impact Statement Required

Text of Measure:

Be it Enacted by the People of the State of Colorado:

In the constitution of the state of Colorado, **add** subsection (7.6) of article V, section 1 as follows:

(7.6) FOR ALL ELECTIONS AT WHICH THE VOTERS OF THE ENTIRE STATE WILL VOTE ON ANY INITIATED CONSTITUTIONAL AMENDMENT OR LEGISLATION, THE NONPARTISAN RESEARCH STAFF OF THE GENERAL ASSEMBLY SHALL PREPARE A FAIR AND IMPARTIAL FISCAL IMPACT STATEMENT DESCRIBING THE PROJECTED FINANCIAL CONSEQUENCES OF ANY SUCH AMENDMENT OR LEGISLATION. THE FISCAL IMPACT STATEMENT SHALL APPEAR ON THE BALLOT.

Ballot Title Setting Board

Proposed Initiative 2015-2016 #87¹

The title as designated and fixed by the Board is as follows:

An amendment to the Colorado constitution requiring fiscal impact statements for statewide initiated ballot measures, and, in connection therewith, requiring nonpartisan, legislative staff to prepare a report for each initiated measure describing the projected financial consequences of the measure and requiring a summary of the report to appear on the ballot for the measure.

The ballot title and submission clause as designated and fixed by the Board is as follows:

Shall there be an amendment to the Colorado constitution requiring fiscal impact statements for statewide initiated ballot measures, and, in connection therewith, requiring nonpartisan, legislative staff to prepare a report for each initiated measure describing the projected financial consequences of the measure and requiring a summary of the report to appear on the ballot for the measure?

*Hearing March 2, 2016:
Single subject approved; staff draft amended; titles set.
Hearing adjourned 11:07 a.m.*

¹ Unofficially captioned “**Fiscal Impact Statements for Initiated Measures**” by legislative staff for tracking purposes. This caption is not part of the titles set by the Board.

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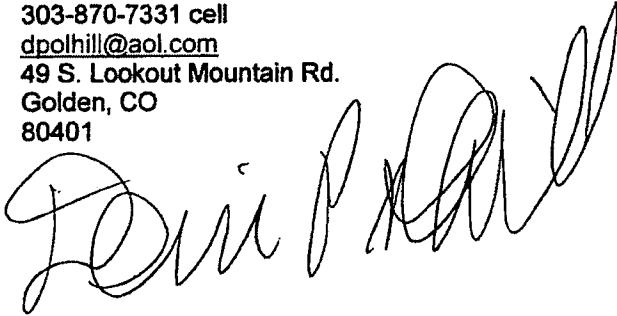
March 2, 2016

**ELECTIONS
SECRETARY OF STATE**

Attention: Colorado Secretary of State
C/O Ballot title setting Board

I am a Registered Elector in Golden. Issue #87 contains multiple subjects and fails to express with clarity the subject of the measures for voters in the title as currently drafted. The title is insufficient and inadequate. A rehearing of this title is hereby requested.

Thank you.
Dennis Polhill
303-870-7331 cell
dpolhill@aol.com
49 S. Lookout Mountain Rd.
Golden, CO
80401

A handwritten signature in black ink, appearing to read "Dennis Polhill", written in a cursive style.

Ballot Title Setting Board

Proposed Initiative 2015-2016 #87¹

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*Hearing March 2, 2016:
Single subject approved; staff draft amended; titles set.
Hearing adjourned 11:07 a.m.*

*Rehearing March 16, 2016:
Motion for Rehearing denied.
Hearing adjourned 9:47 a.m.*

¹ Unofficially captioned “Fiscal Impact Statements for Initiated Measures” by legislative staff for tracking purposes. This caption is not part of the titles set by the Board.