

<p>SUPREME COURT OF COLORADO 2 East 14th Avenue Denver, CO 80203</p>	<p>DATE FILED: April 27, 2016 11:01 AM</p>
<p>Original Proceeding Pursuant to Colo. Rev. Stat. § 1-40-107(2) Appeal from the Ballot Title Board</p> <hr/> <p>In the Matter of the Title, Ballot Title, and Submission Clause for Proposed Initiative 2015-2016 #115 (“Change to the “Colorado Beer Code” Definition of Fermented Malt Beverages to Include All Beer Products”)</p> <p>Petitioners: JOHN GRAYSON ROBINSON AND JOHN BLAKE HARRISON</p> <p>v.</p> <p>Respondents: JEFF JULIN AND CHARLIE BROWN</p> <p>and</p> <p>Title Board: SUZANNE STAIERT; SHARON EUBANK; AND FREDERICK R. YARGER</p>	<p>▲ COURT USE ONLY ▲</p>
<p>Attorneys for Petitioner:</p> <p>Richard C. Kaufman, No. 8343 Matthew K. Tieslau, No. 47483 RYLEY CARLOCK & APPLEWHITE 1700 Lincoln Street, Suite 3500 Denver, Colorado 80203 Telephone: (303) 863-7500 Facsimile: (303) 595-3159</p>	<p>Case Number: 16SC_____</p>
<p>PETITION FOR REVIEW OF FINAL ACTION OF BALLOT TITLE SETTING BOARD CONCERNING PROPOSED INITIATIVE 2015-2016 #115 (“CHANGE TO THE “COLORADO BEER CODE” DEFINITION OF FERMENTED MALT BEVERAGES TO INCLUDE ALL BEER PRODUCTS”)</p>	

John Grayson Robinson and John Blake Harrison (“Petitioners”), registered electors of the State of Colorado, through their undersigned counsel, respectfully petition this Court pursuant to C.R.S. § 1-40-107(2), to review the actions of the Title Setting Board with respect to the title, ballot title, and submission clause set forth in Initiative 2015-2016 #115 (“Change to the “Colorado Beer Code” Definition of Fermented Malt Beverages to Include All Beer Products”) (hereinafter “Proposed Initiative”).

STATEMENT OF THE CASE

A. Procedural History of Proposed Initiative #115

Jeff Julin and Charlie Brown (“Proponents”) are the designated proponents of the Proposed Initiative. Proponents submitted a final version of the Proposed Initiative to the Secretary of State on March 25, 2016 for purposes of having the Title Board set title. The Secretary of State or his designee is a member of the Title Board. The review and comment hearing required by C.R.S. § 1-40-105(1) was conducted by the Offices of Legislative Council and Legislative Legal services on April 6, 2016.

The Title Board considered and set title for the Proposed Initiative at its April 6, 2016 meeting. On April 7, 2016, Proponents submitted a corrected final version of the Proposed Initiative to the Secretary of State. On April 13, 2016, Petitioners timely filed a Motion for Rehearing pursuant to C.R.S. § 1-40-107(1)(a), alleging that the Proposed Initiative violated the single subject requirement contained within the Colo. Const. art. V., § 1(5.5) and C.R.S. § 1-40-106.5, that the title contained an impermissible catch phrase according to *In re Title, Ballot Title and Submission Clause, and Summary for 1999-2000 No. 258(A)*, 4 P.3d 1094 (Colo. 2000), and that the Proposed Initiative’s title did not accurately reflect the subject matter of the initiative as required by the Colorado Revised Statutes Section 1-40-106(3)(c) which rendered the title

misleading. The Title Board considered Petitioners' Motion at its April 20, 2016 meeting. The Motions for Rehearing was denied as to all portions of the Petitioner's Motion.

B. Jurisdiction

Petitioners submit this matter to the Colorado Supreme Court for review pursuant to C.R.S. § 1-40-107(2). Petitioners timely filed the Motion for Rehearing with the Title Board pursuant to C.R.S. § 1-40-107(1) and timely filed this Petition for Review within seven days from the date of rehearing as required by C.R.S. § 1-40-107(2).

Consistent with the requirement set forth in section 1-40-107(2), Petitioners have attached the following documents certified by the Secretary of State: (1) the original, amended, final, and corrected final versions of the Proposed Initiative filed by the Proponents; (2) the ballot title set for this measure; (3) the Petitioners' Motion for Rehearing; and (4) the Title Board's ruling on the Motion for Rehearing. Petitioners respectfully submit that the Title Board erred in denying the Motion for Rehearing and therefore this matter is properly before this Court.

GROUND FOR APPEAL

The following is an advisory list of issues and grounds for appeal which will be discussed in full detail in Petitioner's brief:

A. The Initiative's Provisions are so Vague that the Title does not Encompass and Reflect the Purpose of the Proposal

The Title Board violated Section 1(5.5) of Article V of the Colorado Constitution and Section 1-40-106(3)(b) of the Colorado Revised Statutes when it set title for the Proposed Initiative. These authorities require that the ballot title set by the Board clearly and correctly expresses the subject of the Initiative. The Proposed Initiative title, ballot title, and submission clause fails to satisfy the clear title requirement in the following ways:

- (1) Is so general in that it fails to recognize or alert voters that there are currently multiple licenses governing the sale of alcoholic beverages, many of which will be affected by the Proposed Initiative.
- (2) Fails to accurately reflect central features of the Initiative including: the regulatory shift from a two-tiered beer licensing system; altering current licensing procedures and fees surrounding the sale of alcoholic beverages; and altering the type of businesses that will be eligible to sell what is currently known as full-strength beer.
- (3) Fails to adequately explain the definition changes between fermented malt beverages and malt liquors such that a voter, whether or not familiar with the subject matter of the Proposed Initiative, could determine intelligently whether to support or oppose the proposal.
- (4) Is unable to accurately quantify the import of the Proposed Initiative as the provisions of the Proposed Initiative alter existing beer and liquor codes in such a complex manner as to make description of the Proposed Initiative's true intent and meaning inexplicable.

All of the above issues demonstrate that the ballot title set by the Board did not clearly or fairly reflect the Proposed Initiative. To that extent the Proposed Initiative should be void as its title, ballot title and submission clause is misleading to voters.

PRAYER FOR RELIEF

Petitioners respectfully request that after consideration of the parties' briefs, this Court determine that the title as set is confusing, misleading, and not clearly reflective of the subject of the Proposed Initiative and thus remand the Initiative to the Title Board with instructions to redraft to the title to accurately and clearly represent the text of the Proposed Initiative.

Respectfully submitted this 26th day of April 2016 by:

RYLEY CARLOCK & APPLEWHITE

By: *s/ Richard C. Kaufman* _____

Richard C. Kaufman, No. 8343

Matthew K. Tieslau, No. 47483

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Denver, Colorado 80203

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Attorneys for Petitioners

CERTIFICATE OF SERVICE

I certify that on the 26th day of April, 2016, a true and correct copy of the foregoing **PETITION FOR REVIEW OF FINAL ACTION OF BALLOT TITLE SETTING BOARD CONCERNING PROPOSED INITIATIVE 2015-2016 #115 (“CHANGE TO THE “COLORADO BEER CODE” DEFINITION OF FERMENTED MALT BEVERAGES TO INCLUDE ALL BEER PRODUCTS”)** was electronically filed with the court and served via ICCES, addressed to the following:

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Denver, CO 80203

s/Ann I. Palius

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PROPOSED INITIATIVE 2015-2016 #115 ORIGINAL TEXT

Colorado Secretary of State

CHANGE TO THE "COLORADO BEER CODE" DEFINITION OF FERMENTED MALT BEVERAGES TO INCLUDE ALL BEER PRODUCTS

Designated Representatives

Jeff Julin, 2000 E. 12th Ave. Denver, CO 80206; Ph. (720) 590-4720
jjulin@julinstrategic.com

Charlie Brown, 2181 S Cook St., Denver, CO 80210, Ph. (303) 906-2070
charliebrown1101@gmail.com

Text of Measure :

Be it Enacted by the People of Colorado:

SECTION 1. In Colorado Revised Statutes, amend 12-46-102 as follows:

Legislative Declaration. (1) The general assembly hereby declares that it is in the public interest that fermented malt beverages shall be manufactured, imported, and sold only by persons licensed as provided in this article and ARTICLE 47 OF THIS TITLE. The general assembly further declares that it is lawful to manufacture and sell fermented malt beverages ~~containing not more than three and two-tenths percent alcohol by weight~~ subject to the provisions of this article and applicable provisions of articles 47 and 48 of this title.

(2) The general assembly FURTHER recognizes that fermented malt beverages AND MALT LIQUORS are separate and distinct from ~~malt~~, vinous, and spirituous liquors, and as such ~~require~~ REQUIRES THE RETENTION OF a separate and distinct regulatory framework under this article. To aid administrative efficiency, however, ~~the provisions in~~ article 47 of this title ~~shall apply~~ APPLIES to the regulation of fermented malt beverages, except when otherwise expressly provided for in this article.

SECTION 2. In Colorado Revised Statutes, 12-46-103, amend (1) as follows:

12-46-103. Definitions. Definitions applicable to this article also appear in article 47 of this title. As used in this article, unless the context otherwise requires:

(1) "Fermented malt beverage" means BEER, MALT LIQUORS AND any beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any similar product or any combination thereof in water containing not less than one-half of one percent alcohol by volume ~~and not more than three and two-tenths percent alcohol by weight or four percent alcohol by volume~~; except that "fermented malt beverage" ~~shall~~ DOES not include confectionery containing alcohol within the limits prescribed by section 25-5-410 (1) (i) (II), C.R.S.

SECTION 3. In Colorado Revised Statutes, 12-47-901 repeal (8) as follows:

12-47-901. Unlawful acts - exceptions

~~(8) It is unlawful for any manufacturer or wholesaler licensed pursuant to article 46 of this title to sell, deliver, or cause to be delivered to any person licensed pursuant to section 12-47-407 or 12-47-408 any beverage containing alcohol in excess of three and two tenths percent by weight or four percent by volume, or for any fermented malt beverage retailer licensed pursuant to article 46 of this title to sell, possess, or permit the consumption on the premises of any of the beverages containing alcohol in excess of three and two tenths percent by weight or four percent by volume, or for any fermented malt beverage retail licensee licensed pursuant to article 46 of this title to hold or operate under any license for the sale of any beverages containing alcohol in excess of three and two tenths percent by weight or four percent by volume for the same premises. Any violation of this subsection (8) by any fermented malt beverage licensee licensed pursuant to article 46 of this title immediately invalidates the license granted under article 46 of this title.~~

SECTION 4. Effective date. July 1, 2017.

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Colorado Secretary of State

PROPOSED INITIATIVE 2015-2016 #115 AMENDED TEXT

**CHANGE TO THE "COLORADO BEER CODE" DEFINITION OF FERMENTED
MALT BEVERAGES TO INCLUDE ALL BEER PRODUCTS**

Designated Representatives

Jeff Julin, 2000 E. 12th Ave. Denver, CO 80206; Ph. (720) 590-4720
jjulin@julinstrategic.com

Charlie Brown, 2181 S Cook St., Denver, CO 80210, Ph. (303) 906-2070
charliebrown1101@gmail.com

Text of Measure :*Be it Enacted by the People of Colorado:*

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(2) The general assembly FURTHER recognizes that fermented malt beverages AND MALT LIQUORS are separate and distinct from malt, vinous, and spirituous liquors, ~~and as such require REQUIRES THE RETENTION OF a separate and distinct regulatory framework under this article.~~ To aid administrative efficiency, however, ~~the provisions in~~ article 47 of this title shall ~~apply~~ APPLIES to the regulation of fermented malt beverages, except when otherwise expressly provided for in this article.

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SECTION 4. Effective date. This act takes effect July 1, 2017.

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PROPOSED INITIATIVE 2015-2016 #115 FINAL TEXT

Colorado Secretary of State

**CHANGE TO THE "COLORADO BEER CODE" DEFINITION OF FERMENTED
MALT BEVERAGES TO INCLUDE ALL BEER PRODUCTS**

Designated Representatives

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(2) The general assembly FURTHER recognizes that fermented malt beverages AND MALT LIQUORS are separate and distinct from ~~malt~~, vinous, and spirituous liquors. To aid administrative efficiency, however, ~~the provisions in~~ article 47 of this title ~~shall apply~~ APPLIES to the regulation of fermented malt beverages, except when otherwise expressly provided for in this article.

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SECTION 4. Effective date. This act takes effect July 1, 2017.

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PROPOSED INITIATIVE 2015-2016 #115 CORRECTED FINAL TEXT

Colorado Secretary of State

CHANGE TO THE "COLORADO BEER CODE" DEFINITION OF FERMENTED MALT BEVERAGES TO INCLUDE ALL BEER PRODUCTS

Designated Representatives

Jeff Julin, 2000 E. 12th Ave. Denver, CO 80206; Ph. (720) 590-4720
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Text of Measure :

Be it Enacted by the People of Colorado:

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(2) The general assembly FURTHER recognizes that fermented malt beverages AND MALT LIQUORS are separate and distinct from malt, vinous, and spirituous liquors, ~~and as such require a separate and distinct regulatory framework under this article.~~ To aid administrative efficiency, however, ~~the provisions in~~ article 47 of this title shall apply APPLIES to the regulation of fermented malt beverages, except when otherwise expressly provided for in this article.

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SECTION 4. Effective date. This act takes effect July 1, 2017.

DATE FILED: April 27, 2016 11:01 AM

Ballot Title Setting Board**Proposed Initiative 2015 2016 #115¹**

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

A change to the Colorado Revised Statutes to repeal the alcohol content limitation in the definition of fermented malt beverage, commonly known as 3.2% beer, to allow businesses licensed under Colorado law to manufacture, distribute, or sell malt beverages that contain more than 3.2% alcohol by weight or 4% alcohol by volume, including products commonly known as full-strength beer.

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

Shall there be a change to the Colorado Revised Statutes to repeal the alcohol content limitation in the definition of fermented malt beverage, commonly known as 3.2% beer, to allow businesses licensed under Colorado law to manufacture, distribute, or sell malt beverages that contain more than 3.2% alcohol by weight or 4% alcohol by volume, including products commonly known as full-strength beer?

Hearing April 6, 2016:

Single subject approved; staff draft amended; titles set.

The Board made technical corrections to the text of the initiative. A corrected version of the final text was filed by proponents on April 7, 2016.

Hearing adjourned 1:17 p.m.

Rehearing April 20, 2016:

Motion for Rehearing denied.

Hearing adjourned 8:55 a.m.

¹ Unofficially captioned “**Change to Definition of Fermented Malt Beverage**” by legislative staff for tracking purposes. This caption is not part of the titles set by the Board.

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DATE FILED: April 27, 2016 11:01 AM
Colorado Secretary of State

BEFORE THE COLORADO BALLOT TITLE SETTING BOARD

IN THE MATTER OF THE TITLE AND BALLOT TITLE AND SUBMISSION CLAUSE FOR INITIATIVE
2015-2016 #115

MOTION FOR REHEARING

Registered electors, John Grayson Robinson and John Blake Harrison, through their legal counsel, Ryley Carlock & Applewhite, request a rehearing of the Title Board for Initiative 2015-2016 No. 115. As set forth below, Mr. Robinson and Mr. Harrison respectfully object to the Title Board's setting of title and the ballot title and submission clause on the following grounds:

TITLE AND SUBMISSION CLAUSE

On April 6, 2016, the Title Board designated the title as follows:

A change to the Colorado Revised Statutes to repeal the alcohol content limitation in the definition of fermented malt beverage, commonly known as 3.2% beer, to allow businesses licensed under Colorado law to manufacture, distribute, or sell malt beverages that contain more than 3.2% alcohol by weight or 4% alcohol by volume, including products commonly known as full-strength beer.

The Title Board set the ballot title and submission clause as follows:

Shall there be a change to the Colorado Revised Statutes to repeal the alcohol content limitation in the definition of fermented malt beverage, commonly known as 3.2% beer, to allow businesses licensed under Colorado law to manufacture, distribute, or sell malt beverages that contain more than 3.2% alcohol by weight or 4% alcohol by volume, including products commonly known as full-strength beer?

GROUND FOR RECONSIDERATION

I. THE INITIATIVE IMPERMISSIBLY CONTAINS MULTIPLE SUBJECTS IN VIOLATION OF THE COLORADO CONSTITUTION AND STATUTES.

The Colorado Constitution and statutes require that each initiative that proposes an amendment to the Constitution shall contain only one subject and that subject shall be clearly expressed in the title. *See* Colo. Const. art. V., § 1(5.5); C.R.S. § 1-40-106.5; *In re Title, Ballot Title, Submission Clause*, 898 P.2d 1076, 1078-79 (Colo. 1995) (a proposed initiative violates the single subject rule where it "has at least two distinct and separate purposes which are not dependent upon or connected with each other."). The Board set title for Initiative No. 115 despite the fact that it contains multiple, distinct and separate purposes that are not dependent

upon or connected with one another. Specifically, the initiative includes the following unrelated subjects:

- (1) The caption of the initiative acknowledges the central subject of changing the definition of fermented malt beverages under the "Colorado Beer Code," which is contained within Article 46 of Title 12. *See* C.R.S. §§ 12-46-101 et seq.
- (2) The initiative then continues to change portions of the "Colorado Liquor Code" which governs alcoholic beverages well beyond the scope of fermented malt beverages, including changing the relationship between "fermented malt beverages" and "malt liquors" which are each separately defined in the Colorado Beer Code and Liquor Code. *See* C.R.S. § 12-46-103; C.R.S. § 12-47-103.

These subjects are not connected or interdependent and therefore the Title Board lacks jurisdiction to set a title.

II. THE TITLE FOR INITIATIVE NO. 115 IS MISLEADING AND PREJUDICIAL

A. The Title Board Incorrectly used a political catch phrase when setting the title.

Use of a catch phrase or slogan in the title, ballot title and submission clause should be carefully avoided by the Title Board. *In re Title, Ballot Title and Submission Clause, and Summary for 1999-2000 No. 258(A)*, 4 P.3d 1094, 1100 (Colo. 2000). Catch phrases are words or phrases that "work to a proposal's favor without contributing to voter understanding." *Id.* Such phrases that "provoke political emotion and impede voter understanding" should be avoided. *Id.*

The Title Board has impermissibly included a catch phrase in the title and ballot title and submission clause for Initiative No. 115 by using the term "full-strength beer." The term "full-strength beer" does not accurately represent the scope of Initiative No. 115 and is likely to contribute to voter misunderstanding. The term "full-strength beer" is not defined within either Article 46 or 47 of title 12 and is not a term of art. To the average voter, full strength beer would be understood as just traditional beer. There is no indication in the title of the long standing differentiation of "fermented malt beverages" from "malt liquors" under the Colorado Statutes. Instead, they are now conflated under the Initiative into one term; full-strength beer. While these two terms have historically had overlapping definitions, they have distinct differences that have necessitated separate treatment under Colorado law, as is evidenced by the separate Articles within Title 12 dealing with the respective terms. Furthermore, under the final language put forward by proponents, "fermented malt beverages" will actually be treated more leniently than "malt liquors" (the term the board most likely intended to reference when using the term "full-strength beer"), and thus simply referring to the new status of "fermented malt beverages" as full-strength is less than accurate.

Additionally, the term “full-strength beer” can additionally prejudice voters in favor of the Initiative, while simultaneously skewing an accurate understanding of the actual import of the Initiative. The term “full-strength” denotes positive political emotion, as if beer previously sold in the state was of a lesser, less potent and less enjoyable make. This term could sway voters to vote for the article simple on the principle that they feel they should not be limited to a lesser-strength beer. In fact, the reality of the current regulatory system governing “fermented malt beverages” and “malt liquors” is more complex than just the strength of the beverage being sold.

B. The Title Board set a misleading title.

Colorado Revised Statute §1-40-106(3)(c) requires the ballot title to accurately reflect the subject matter of an initiative to avoid confusion over its meaning and purpose. *Aisenberg v. Campbell*, 987 P.2d 249, 253 (2000). The Title set for Initiative No. 115 violates this statutory provision in the following ways:

- (1) The title discusses the Initiative as a change to the Colorado Revised Statutes as repealing the alcohol content limitation for “fermented malt beverages,” when in fact the Initiative will have the effect of substantially reworking licensing, fees, and penalties surrounding the sale of malt beverages.

For example, Initiative No. 115 amends the definition of “fermented malt beverage” contained within C.R.S. § 12-46-103(1). Previously, “fermented malt beverages” pertained to:

“ . . .any beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any similar product or any combination thereof in water *containing not less than one-half of one percent alcohol by volume and not more than three and two-tenths percent alcohol by weight.*”

C.R.S. § 12-46-103(1) (emphasis added).

Additionally, “malt liquors” are currently defined as including:

“beer and shall be construed to mean any beverage obtained by the alcoholic fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination thereof, in water *containing more than three and two-tenths percent of alcohol by weight or four percent alcohol by volume.*”

C.R.S. § 12-47-103(19) (emphasis added).

The new definition for “fermented malt beverages will pertain to:

“beer, *malt liquors* and any beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any similar product or any combination thereof in water *containing not less than one-half of one percent alcohol by volume.*”

PROPOSED INITIATIVE 2015-2016 #115, Corrected Final Text Filed April 7, 2016.

From this it is clear that the new definition for “fermented malt beverage” includes both products previously defined as “malt liquors” *and* products previously defined as “fermented malt beverages. Now, any business previously licensed *only* under Article 46 will also be able to sell beverages previously licensed under Article 47 of Title 12. However, the business licensed under Article 46 will not be subject to the same restrictions as one licensed under Article 47. What the ballot title and submission clause couches as a simple alcohol content limitation is in fact a shift in the regulatory regime governing the sale of alcoholic beverages in this state.

- (2) By adding the term “malt liquors” to the legislative declaration in C.R.S. § 12-46-102(2) and to the definition of “fermented malt beverage” C.R.S. § 12-46-103(1), but not modifying the repeated references to malt liquors in Article 47 of Title 12, the Initiative’s provisions are so complex and unquantifiable that the board cannot set a title that accurately encompasses the Initiative.

The tem “malt liquors” remains present in Article 47 of Title 12 in over twenty-five individual provisions. *See, e.g.:* C.R.S. §§ 12-47-103, 106, 202, 301, 309, 311, 312, 313, 401, 402, 405, 406, 406.3, 407, 408, 411, 412, 413, 414, 415, 416, 417, 418, 420, 409, 424, 503, and 505. Just observing a few of these provisions shows irreconcilable conflict between Initiative No. 115’s changes and the current statutory regime. Often times provisions list requirements affecting both malt liquors and fermented malt beverages separately.

For example, C.R.S. §§ 12-47-409, 412, 414, 415, 416, and 417 all contain a provision detailing that:

“ . . .during a calendar year, a person selling alcohol beverages as provided in this section may purchase not more than two thousand dollars’ worth of:

(I) *Malt*, vinous, and spirituous liquors from a retailer licensed pursuant to section 12-47-407 or 12-47-408; and

(II) *Fermented malt beverages* from a retailer licensed pursuant to section 12-46-104(1)(c)” (emphasis added)

With the definition for “fermented malt beverages” now containing the term “malt liquors,” one is unable to discern whether the two thousand dollar purchase limit applies to each separately, or as a whole, since the terms are so intertwined.

This example is just one of many. C.R.S. § 12-46-104(b) discusses a wholesaler's license for persons "to sell fermented malt beverages upon the payment of an annual license fee of one hundred fifty dollars." However, C.R.S. § 12-47-406 creates a separate wholesaler's license governing, among other beverages, malt liquors. Said license contains additional restrictions beyond those found in C.R.S. § 12-46-104(b), and the Initiative provides no guidance on how such conflicts should be resolved.

The interplay between these provisions throughout Articles 46 and 47 of Title 12 and the now present conflict between the definitions of "malt liquors" and "fermented malt beverages" makes it impossible for the Title Board to set a title and ballot title and submission clause that accurately reflects the import of Initiative #115.

Based on the foregoing, Mr. Robinson and Mr. Harrison respectfully request the Title Board conduct a re-hearing on the title set for Initiative 2015-2016 #115.

Respectfully submitted this 13 day of April, 2016 by:

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DATE FILED: April 27, 2016 11:01 AM

Ballot Title Setting Board**Proposed Initiative 2015 2016 #115¹**

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

A change to the Colorado Revised Statutes to repeal the alcohol content limitation in the definition of fermented malt beverage, commonly known as 3.2% beer, to allow businesses licensed under Colorado law to manufacture, distribute, or sell malt beverages that contain more than 3.2% alcohol by weight or 4% alcohol by volume, including products commonly known as full-strength beer.

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

Shall there be a change to the Colorado Revised Statutes to repeal the alcohol content limitation in the definition of fermented malt beverage, commonly known as 3.2% beer, to allow businesses licensed under Colorado law to manufacture, distribute, or sell malt beverages that contain more than 3.2% alcohol by weight or 4% alcohol by volume, including products commonly known as full-strength beer?

Hearing April 6, 2016:

Single subject approved; staff draft amended; titles set.

The Board made technical corrections to the text of the initiative. A corrected version of the final text was filed by proponents on April 7, 2016.

Hearing adjourned 1:17 p.m.

¹ Unofficially captioned “**Change to Definition of Fermented Malt Beverage**” by legislative staff for tracking purposes. This caption is not part of the titles set by the Board.

DATE FILED: April 27, 2016 11:01 AM



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 #115 'Change to Definition of Fermented Malt Beverage'"

[Handwritten signature in red ink]

..... **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 25th day of April, 2016.

Wayne W. Williams
SECRETARY OF STATE

