

<p>Colorado Supreme Court 2 East 14th Avenue Denver, Colorado 80203</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>Original Proceeding Pursuant to § 1-40-107(2), C.R.S. (2015) Appeal from the Ballot Title Board</p>	
<p>In the Matter of the Title, Ballot Title and Submission Clause for Proposed Initiative 2015- 2016 #97 (“Petition Signature Requirements for Initiated Constitutional Amendments”)</p> <p>Petitioners: Timothy Markham and Chris Forsyth;</p> <p>v.</p> <p>Respondents: Greg Brophy and Dan Gibbs;</p> <p>and</p> <p>Title Board: Suzanne Staiert, Frederick Yarger and Jason Gelender.</p>	<p>Supreme Court Case No.: 2016SA99</p>
<p><i>Attorneys for Respondents</i> Dee P. Wisor, #7237 Martina Hinojosa, #46353 BUTLER SNOW LLP 1801 California Street, Suite 5100 Denver, Colorado 80202 Telephone: (720) 330-2300 Fax: (720) 330-2301 Email: dee.wisor@butlersnow.com martina.hinojosa@butlersnow.com</p>	
<p>RESPONDENTS’ OPENING BRIEF</p>	

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).

It contains 3,378 words.

This brief complies with C.A.R. 28(a)(7)(A).

For the party raising the issue:

It contains under a separate heading (1) a concise statement of the applicable standard of appellate review with citation to authority; and (2) a citation to the precise location in the record, not to an entire document, where the issue was raised and ruled on.

I acknowledge that my brief may be stricken if it fails to comply with any of the requirements of C.A.R. 28 and C.A.R. 32.

s/ Dee P. Wisor

Dee P. Wisor

s/ Martina Hinojosa

Martina Hinojosa

BUTLER SNOW LLP
Attorneys for Respondents
Greg Brophy and Dan Gibbs

TABLE OF CONTENTS

CERTIFICATE OF COMPLIANCE..... i

TABLE OF CONTENTS..... ii

TABLE OF AUTHORITIES iii

STATEMENT OF ISSUES PRESENTED FOR REVIEW 1

STATEMENT OF THE CASE..... 1

STATEMENT OF FACTS 3

SUMMARY OF THE ARGUMENT 4

STANDARD OF REVIEW 6

ARGUMENT 7

 I. The Title Board had Jurisdiction to Set a Title for the Initiative..... 7

 II. The Initiative Contains a Single Subject..... 10

 III. The Title for the Initiative Correctly and Fairly Expresses the True
 Intent and Meaning Thereof..... 12

 A. The Title properly reflects the true intent and meaning of the Initiative.. 12

 B. The Title does not contain a catch phrase..... 13

 C. The Title need not contemplate all possible effects of the Initiative. 15

CONCLUSION..... 16

CERTIFICATE OF SERVICE 17

TABLE OF AUTHORITIES

Constitutional Provisions

Article V, Section 1(2)	7
Article V, Section 1(5)	8, 9, 10
COLO. CONST. Article V, Section 1(5.5)	10

Statutes

COLO.REV.STAT. § 1-40-104	7, 8, 9
COLO.REV.STAT. § 1-40-105	7, 8
COLO.REV.STAT. § 1-40-106	3, 7
COLO.REV.STAT. § 1-40-106.5	10

Cases

<i>Blake v. King</i> , 185 P.3d 142 (Colo. 2008)	13
<i>Cordero v. Leahy (In re Title, Ballot Title and Submission Clause for 2013-2014 #90)</i> , 328 P.3d 155 (Colo. 2014)	6
<i>Earnest v. Gorman (In re Title, Ballot Title and Submission Clause for 2009-2010 #45)</i> , 234 P.3d 642 (Colo. 2010)	6, 12, 13
<i>Garcia v. Chavez</i> , 4 P.3d 1094 (Colo. 2000)	13
<i>Hayes v. Ottke (In re Title, Ballot Title & Submission Clause for Proposed Initiatives 2011-2012 Nos. 67, 68, & 69)</i> , 293 P.3d 551 (Colo. 2013)	7
<i>In re Ballot Title & Submission Clause & Summary for 2005-2006 #75</i> , 138 P.3d 267 (Colo. 2006)	13
<i>In re Matter of the Title, Ballot Title & Submission Clause Concerning Auto. Ins. Coverage</i> , 877 P.2d 853 (Colo. 1994)	15
<i>In re Title, Ballot and Submission Clause and Summary Pertaining to the Workers Comp Initiative Adopted on January 6, 1993</i> , 850 P.2d 144 (Colo. 1993)	15
<i>In re Title, Ballot Title & Submission Clause & Summary for 1997-1998 #105</i> , 961 P.2d 1092 (Colo. 1998)	14
<i>In re Title, Ballot Title & Submission Clause & Summary for 1999-00 #256</i> , 12 P.3d 246 (Colo. 2000)	13
<i>In re Title, Ballot Title & Submission Clause & Summary for 1999-2000 #227 & #228</i> , 3 P.3d 1 (Colo. 2000)	13
<i>In re Title, Ballot Title & Submission Clause Concerning Ltd. Gaming in Manitou Springs</i> , 826 P.2d 1241 (Colo. 1992)	15
<i>In re Title, Ballot Title & Submission Clause for 2007-2008 #62</i> , 184 P.3d 52 (Colo. 2008)	13

<i>In re Title, Ballot Title & Submission Clause, & Summary Pertaining to the Proposed Tobacco Tax Amendment 1994</i> , 872 P.2d 689 (Colo. 1994)	6
<i>In re Title, Ballot Title, Submission Clause and Summary Pertaining to the Branch Banking Initiative Adopted on March 19, 1980</i> , 612 P.2d 96 (Colo. 1980)	15
<i>Initiated Constitutional Amendment Concerning Ltd. Gaming in the Town of Burlington</i> , 830 P.2d 1023 (Colo. 1992)	15
<i>Kemper v. Leahy (In re Title, Ballot Title)</i> , 328 P.3d 172 (Colo. 2014).....	10, 13
<u>Other Authorities</u>	
Colorado Department of State, <u>Initiative Procedures & Guidelines: A Citizen’s Guide to Placing an Initiative on the Ballot</u> , (July 27, 2015).....	9

Respondents Greg Brophy and Dan Gibbs (the “Proponents”), by and through their undersigned counsel, hereby submit their Opening Brief:

STATEMENT OF ISSUES PRESENTED FOR REVIEW

1. Whether the Title Board had jurisdiction to set a title for Proposed Ballot Initiative #97 (“Initiative #97” or the “Initiative”) concerning the petition signature requirements for initiated constitutional amendments.
2. Whether the Initiative contains a single subject.
3. Whether, pursuant to COLO.REV.STAT. § 1-40-106, the title correctly and fairly expresses the true intent and meaning of the Initiative.

STATEMENT OF THE CASE

The Proponents seek to circulate Initiative #97, which would make 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. Proponents serve both as proponents and as designated representatives of the proponents of the Initiative.

In compliance with the requirements set forth in Article V, Section 1 of the Colorado constitution and in Title 1, Article 40 of the Colorado Revised Statutes, the Proponents submitted a draft of the proposed Initiative to the Colorado Legislative Council (“Legislative Council”) and the Office of Legislative Legal

Services (“Legal Services”) for review and comment. Based on comments from Legislative Council and Legal Services, the Proponents revised the text of the Initiative and submitted a final version to the Secretary of State for consideration by the Title Board. After holding a hearing, the Title Board found that it had jurisdiction to set a title for the Initiative and that the Initiative did not violate the single subject requirement. Accordingly, the Title Board set a title for the Initiative. On March 9, 2016, Petitioners filed motions for rehearing. During a rehearing on March 16, 2016, the Title Board granted Petitioners’ motions only to the extent that the Title Board made changes to the title. The Title Board unanimously confirmed the title, ballot title and submission clause.

Included in the title is the phrase “making it more difficult to amend the Colorado constitution,” which tracks the language in the Initiative, “[i]n order to make it more difficult to amend this constitution.” This phrase merely describes the purpose of the Initiative, and therefore does not constitute a catch phrase. Furthermore, the title succinctly and accurately describes to voters the purpose and effect of the Initiative.

The language set by the Title Board is entitled to great deference and may be rejected only in a clear case. There is no basis on which reversal is warranted here. Accordingly, the Court should uphold the title as set by the Title Board.

STATEMENT OF FACTS

In accordance with COLO.REV.STAT. § 1-40-106, the Proponents submitted a draft of the Initiative to Legislative Council and Legal Services on February 2, 2016. Legislative Council and Legal Services reviewed the Initiative and provided written comments to the Proponents in a Review and Comment Memorandum dated February 12, 2016 (the “Memorandum”). On February 16, 2016, both of the Proponents met with Legislative Council and Legal Services to further discuss the questions raised in the Memorandum. On February 19, 2016, the Proponents filed a final draft of the Initiative with the Secretary of State¹, along with their original draft and a version reflecting changes made in response to comments from Legislative Council and Legal Services.

On March 2, 2016, both of the Proponents attended a title setting meeting with the Title Board, during which the Title Board unanimously determined that the Initiative contained only a single subject and set a title, ballot title and submission clause for the Initiative. Petitioners Chris Forsyth (“Forsyth”) and Timothy Markham (“Markham”) and collectively, the “Petitioners”) each filed

¹ See Proposed Initiative 2015-2016 #97, attached hereto as **Exhibit A**.

Motions for Rehearing² with the Title Board on March 9, 2016. In support thereof, both Petitioners argued that the Initiative contained more than a single subject and that the title as set was unclear and misleading. Petitioners also argued that the title contained an impermissible catch phrase. Specifically, Forsyth asserted that “more difficult to amend the constitution” was a catch phrase, while Markham argued that “making it more difficult to amend the constitution” was a catch phrase. Forsyth further argued that the Title Board lacked jurisdiction to set the title. The Title Board held a rehearing on March 16, 2016, during which the Title Board granted Petitioners’ motions only to the extent that the Board made changes to the titles. The Title Board denied the motions in all other respects.

Markham filed his Petition for Review by the Court on March 23, 2016. Forsyth filed his own Petition for Review on March 24, 2016. The Court granted the Petitions on March 25, 2016.

SUMMARY OF THE ARGUMENT

The Proponents are both proponents and designated representatives of the proponents of the Initiative. The Proponents have followed all required procedures

² Forsyth also filed an Amended Motion for Rehearing on March 9, 2016. Because the original motion and amended motions are substantially similar, we do not describe the motions individually.

pertaining to the initiative process, including meeting with Legislative Council and Legal Services, and attending two hearings of the Title Board.

The Initiative contains a single subject, which is to make it more difficult to amend the Colorado constitution. The Initiative describes how it will make it more difficult to amend the constitution, namely, by adding a new signature requirement for proposed initiatives to amend the constitution to be placed on the ballot. This proposed requirement is reflected in the title, which accurately reflects the intent and meaning of the Initiative.

Included in the title is the phrase “making it more difficult to amend the Colorado constitution,” which tracks the language in the Initiative, “[i]n order to make it more difficult to amend this constitution.” This phrase merely describes the purpose of the Initiative and therefore does not constitute a catch phrase. Furthermore, the title and the Initiative clearly state the purpose of the Initiative, and describe how the Initiative would make it more difficult to amend the constitution.

For all of these reasons, the Court should uphold the decision of the Title Board.

STANDARD OF REVIEW

In reviewing a challenge to the Title Board’s decision, the Court employs all legitimate presumptions in favor of the propriety of the Title Board’s actions. *Cordero v. Leahy (In re Title, Ballot Title and Submission Clause for 2013-2014 #90)*, 328 P.3d 155, 158 (Colo. 2014). Because the Title Board has considerable discretion in setting the title, the ballot title and the submission clause, the Court should reverse the Title Board’s decision only if the title is insufficient, unfair or misleading. *See id.* at 159.

Furthermore, the Court does not “determine the initiative’s efficacy, construction, or future application, which is properly determined if and after the voters approve the proposal.” *Earnest v. Gorman (In re Title, Ballot Title and Submission Clause for 2009-2010 #45)*, 234 P.3d 642, 645 (Colo. 2010). The Court need only examine the wording of the titles and the initiative to determine whether they comport with the single subject and clear title requirements. *Cordero*, 328 P.3d at 159. Only in a clear case should the decision of the Title Board be held invalid. *In re Title, Ballot Title & Submission Clause, & Summary Pertaining to the Proposed Tobacco Tax Amendment 1994*, 872 P.2d 689, 694 (Colo. 1994).

ARGUMENT

I. The Title Board had Jurisdiction to Set a Title for the Initiative.

Article V, Section 1(2) of the Colorado constitution reserves the right of citizen initiative to the people of the State of Colorado. The initiative process begins when proponents of an initiative submit a draft of the proposed petition to Legislative Council and Legal Services. COLO.REV.STAT. § 1-40-105. At the time of filing, proponents must designate the names and addresses of two persons, or “designated representatives,” who shall represent the proponents in all matters affecting the petition and to whom all notices or information concerning the petition shall be mailed. COLO.REV.STAT. § 1-40-104. In order to ensure that the Title Board has access to the information it needs to resolve the substantive issues concerning a proposed initiative, each designated representative is required to appear at all Title Board meetings and hearings concerning the proposed measure. *See, e.g., Hayes v. Ottke (In re Title, Ballot Title & Submission Clause for Proposed Initiatives 2011-2012 Nos. 67, 68, & 69)*, 293 P.3d 551, 558 (Colo. 2013); COLO.REV.STAT. § 1-40-106(4). The Title Board may not set a title if either designated representative fails to attend all Title Board meetings pertaining to the proposed initiative. *Hayes*, 293 P.3d at 558.

In compliance with COLO.REV.STAT. §§ 1-40-104 and -105, the Proponents submitted their proposed Initiative to Legislative Council and Legal Services on February 2, 2016. The Proponents were listed as designated representatives of the proponents of the Initiative. Both of the Proponents attended the meeting with Legislative Council and Legal Services on February 16, 2016, the Title Board hearing on March 2, 2016, and the Title Board rehearing on March 16, 2016. Because the Proponents attended all meetings with Legislative Council and Legal Services and with the Title Board, nothing barred the Title Board from setting a title for the Initiative.

Forsyth's argument that a representative of the proponents failed to meet with Legislative Council and Legal Services is without merit. In his Petition for Review, Forsyth cites Article V, Section 1(5) of the Colorado constitution, which provides that Legislative Council and Legal Services "shall render their comments to the proponents of the proposed measure at a meeting open to the public." There is nothing that specifies the number of proponents that must be in support of a proposed measure or who may serve as a proponent of a proposed measure.

Furthermore, there is nothing that requires a proponent to be present at a review and comment meeting.³

In addition, Article V, Section 1(5) cannot be read independently of COLO.REV.STAT. § 1-40-104, which requires proponents' designated representatives to represent them in all matters concerning the proposed initiative, including meetings and hearings. As previously stated, the Proponents attended all meetings and hearings in connection with the Initiative as designated representatives of the proponents and as proponents themselves.

Notwithstanding the foregoing, even if one were to construe Article V, Section 1(5) as requiring the attendance of two proponents at meetings before Legislative Council and Legal Services, there is nothing that prohibits the Proponents from serving in their dual roles as proponents and as designated representatives. To the contrary, “[d]esignated representatives are often the proponents themselves.” *See* Colorado Department of State, Initiative Procedures & Guidelines: A Citizen’s Guide to Placing an Initiative on the Ballot, (July 27, 2015), <http://www.sos.state.co.us/pubs/elections/Initiatives/files/PetitionManual>

³ Effective March 26, 2016, designated representatives of the proponents of a measure must attend all review and comment meetings. *See* Colorado HB 15-1057 (adding subsection 1.5 to COLO.REV.STAT. § 1-40-105). The review and comment meeting for the Initiative was held on February 16, 2016. Thus, there was no requirement for proponents of the Initiative to attend any review and comment meeting.

.pdf. Therefore, the Proponents' attendance at meetings with Legislative Council and Legal Services in their capacity as proponents and as designated representatives of the proponents satisfied the requirement of Article V, Section 1(5).

II. The Initiative Contains a Single Subject.

A measure proposed by a petition must contain a single subject which must be clearly expressed in its title. COLO. CONST. Article V, Section 1(5.5); COLO.REV.STAT. § 1-40-106.5(1). If an initiative “tends to effect or to carry out one general object or purpose, it is a single subject under the law.” *Kemper v. Leahy (In re Title, Ballot Title)*, 328 P.3d 172, 177 (Colo. 2014). Provided that the subject matter is “necessarily or properly connected,” an initiative will meet the single subject requirement. *Id.* In *Kemper*, an objector challenged on the basis of the single subject rule a title for an initiative to add a new provision to the state constitution creating a public right to the state’s environment. The title was set as follows:

An amendment to the Colorado constitution concerning a public right to Colorado's environment, and, in connection therewith, declaring that Colorado's environment is the common property of all Coloradans; specifying that the environment includes clean air, pure water, and natural and scenic values and that state and local governments are trustees of this resource; requiring state and local governments to conserve the environment; and declaring that if state or local laws conflict the more restrictive law or regulation governs.

On appeal, the Court noted that the initiative had three distinct subsections, the first of which created a public right to the environment, while the second and third subsections provided mechanisms for carrying out the objective of the first section. Collectively, all three subsections constituted a single subject, or “the creation of a public right to Colorado’s environment.” Accordingly, the initiative did not violate the single subject rule.

The title for the Initiative reads 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.

This title is similar to the title that the Court reviewed in *Kemper* in that it states the primary purpose of the Initiative along with a subsection detailing how the purpose will be achieved. Specifically, the Initiative seeks to amend the Colorado constitution in order to make it more difficult to amend the constitution. The Initiative proposes a new requirement that any petition for a citizen-initiated constitutional amendment must be signed by at least two percent of the registered electors who reside in each senate district for the amendment to be placed on the ballot. Increasing the requisite number of electors to place a measure on the ballot

is a mere mechanism by which the purpose of the Initiative will be achieved. Accordingly, the title as set by the Title Board constitutes a single subject.

III. The Title for the Initiative Correctly and Fairly Expresses the True Intent and Meaning Thereof.

A. The Title properly reflects the true intent and meaning of the Initiative.

Titles and submission clauses should “enable the electorate, whether familiar or unfamiliar with the subject matter of a particular proposal, to determine intelligently whether to support or oppose such a proposal.” *Earnest*, 234 P.3d at 648. In setting a title, the Title Board must “consider the public confusion that might be caused by misleading titles and to avoid titles for which the general understanding of the effect of a ‘yes’ or ‘no’ vote will be unclear.” *Id.* The title must “correctly and fairly express the true intent and meaning” of the initiative. *Id.* (citing COLO.REV.STAT. § 1-40-106(3)(b)).

Here, the title as set by the Title Board makes clear that the Initiative seeks to make it more difficult to amend the Colorado constitution and clearly describes how it purports to do so. By reading the title, an elector can determine that a “yes” vote in favor of the Initiative would add an additional petition signature requirement for constitutional amendments, and, in the alternative, that a “no” vote would not change the existing petition signature requirement. Because the title is clear and will not mislead voters, the Title Board’s decision should be upheld.

B. The Title does not contain a catch phrase.

It is well established that the Title Board must avoid using catch phrases or slogans when setting a title. *See, e.g. Earnest*, 234 P.3d at 649; *Garcia v. Chavez*, 4 P.3d 1094, 1100 (Colo. 2000). Catch phrases are words that work in favor of a proposal without contributing to voter understanding. *Earnest*, 234 P.3d at 649. Words that merely describe a proposal are not impermissible catch phrases. *Kemper*, 328 P.3d at 180 (holding that “including clean air, pure water, and natural and scenic values” was not a catch phrase because it defined the word “environment” as it was used in the proposal); *see also Earnest*, 234 P.3d at 642 (“right of health care choice” not a catch phrase); *In re Title, Ballot Title & Submission Clause for 2007-2008 #62*, 184 P.3d 52, 61 (Colo. 2008) (“just cause” and “mediation” not catch phrases); *Blake v. King*, 185 P.3d 142, 147 (Colo. 2008) (“criminal conduct” not a catch phrase); *In re Ballot Title & Submission Clause & Summary for 2005-2006 #75*, 138 P.3d 267, 269-70 (Colo. 2006) (“term limits” not a catch phrase); *In re Title, Ballot Title & Submission Clause & Summary for 1999-2000 #227 & #228*, 3 P.3d 1, 7 (Colo. 2000) (“preserve . . . the social institution of marriage” not a catch phrase); *In re Title, Ballot Title & Submission Clause & Summary for 1999-00 #256*, 12 P.3d 246, 257 (Colo. 2000) (“management of growth” not a catch phrase); *In re Title, Ballot Title &*

Submission Clause & Summary for 1997-1998 #105, 961 P.2d 1092, 1100 (Colo. 1998) (“refund to taxpayers” not a catch phrase).

Petitioners argue that “making it more difficult to amend the Colorado constitution” constitutes a catch phrase. However, this phrase is merely descriptive of the heightened requirements for amending the constitution as they are set forth in the proposed amendment. The Initiative would add a requirement that any petition for a citizen-initiated constitutional amendment must be signed by at least two percent of the registered electors who reside in each senate district in order for the proposed amendment to be placed on the ballot. By adding an additional signature requirement to amend the constitution, the Initiative makes it more difficult to amend the constitution. Therefore, the phrase “making it more difficult to amend the Colorado constitution” is merely descriptive of the Initiative, aids voter understanding of the Initiative, and does not constitute a catch phrase.

Furthermore, the title phrase “making it more difficult to amend the Colorado constitution” tracks the language of the proposed constitutional amendment, “in order to make it more difficult to amend this constitution.” *See* Proposed Initiative 2015-2016 #97, attached hereto as **Exhibit A**. Because the phrase is descriptive of the Initiative and is taken directly from the language of the proposed amendment, it does not constitute a catch phrase. *See, e.g., In re Title*,

Ballot Title, Submission Clause and Summary Pertaining to the Branch Banking Initiative Adopted on March 19, 1980, 612 P.2d 96, 100 (Colo. 1980); *In re Title, Ballot and Submission Clause and Summary Pertaining to the Workers Comp Initiative Adopted on January 6, 1993*, 850 P.2d 144, 147 (Colo. 1993); *Kemper*, 328 P.3d at 180. Accordingly, the Court should uphold the Title Board's decision.

C. The Title need not contemplate all possible effects of the Initiative.

Markham argues that the Title Board's decision should be reversed because the title fails to state that signature requirements per senate district may vary depending on the date the petition form has been approved for circulation. This argument is without merit. The Title Board "need not and cannot describe every feature of a proposed measure in the title or in the ballot title and submission clause." *In re Title, Ballot Title & Submission Clause Concerning Ltd. Gaming in Manitou Springs*, 826 P.2d 1241, 1244 (Colo. 1992). To the contrary, the title must be brief and reference only the essential features of a proposed initiative. *See Initiated Constitutional Amendment Concerning Ltd. Gaming in the Town of Burlington*, 830 P.2d 1023, 1026 (Colo. 1992); *In re Matter of the Title, Ballot Title & Submission Clause Concerning Auto. Ins. Coverage*, 877 P.2d 853, 855 (Colo. 1994).

In setting title for the Initiative, the Title Board complied with the requirements to make the title brief and accurately describe the effect of the Initiative. The title describes precisely how the Initiative will make it more difficult to amend the constitution, without adding verbiage regarding potential changes in the number of electors in each Senate district. Such additional language would inhibit voter understanding of the underlying purpose of the Initiative. Accordingly, the Court should uphold the Title Board's decision.

CONCLUSION

For the reasons stated herein, the Proponents respectfully request that the Court uphold the title, ballot title and submission clause for Initiative #97.

Respectfully submitted this 14th day of April, 2016.

s/ Dee P. Wisor
Dee P. Wisor

s/ Martina Hinojosa
Martina Hinojosa

BUTLER SNOW LLP
Attorneys for Respondents
Greg Brophy and Dan Gibbs

CERTIFICATE OF SERVICE

I hereby certify that on April 14, 2016, I filed a true and correct copy of the foregoing RESPONDENTS' OPENING BRIEF using the ICCES electronic filing system and served electronic copies to the following:

Mark G. Grueskin
RECHT KORNFELD, P.C.
1600 Stout Street, Suite 1000
Denver, Colorado 80202

Chris Forsyth
3155 Ingalls Street
Wheat Ridge, Colorado 80214

Cynthia H. Coffman, Attorney General
Leann Morrill
Attorneys for Title Board
1300 Broadway, 6th Floor
Denver, Colorado 80203

EXHIBIT A

Proposed Initiative 2015-2016 #97

RECEIVED

FEB 19 2016

S. WARD
12:09 P.M.

2015-2016 97

Final version filed with Secretary of State

Colorado Secretary of State

BE IT ENACTED BY THE PEOPLE OF THE STATE OF COLORADO: [DATE FILED: April 14, 2016 3:44 PM](#)

SECTION 1. In the constitution of the state of Colorado, Section 1 of article V is amended BY THE ADDITION OF A NEW SUBSECTION, to read:

Section 1. General assembly - initiative and referendum

(2.5) IN ORDER TO MAKE IT MORE DIFFICULT TO AMEND THIS CONSTITUTION, A PETITION FOR AN INITIATED CONSTITUTIONAL AMENDMENT SHALL BE SIGNED BY REGISTERED ELECTORS WHO RESIDE IN EACH STATE SENATE DISTRICT IN COLORADO IN AN AMOUNT EQUAL TO AT LEAST TWO PERCENT OF THE TOTAL REGISTERED ELECTORS IN THE SENATE DISTRICT PROVIDED THAT THE TOTAL NUMBER OF SIGNATURES OF REGISTERED ELECTORS ON THE PETITION SHALL AT LEAST EQUAL THE NUMBER OF SIGNATURES REQUIRED BY SUBSECTION (2) OF THIS SECTION. FOR PURPOSES OF THIS SUBSECTION (2.5), THE NUMBER AND BOUNDARIES OF THE SENATE DISTRICTS AND THE NUMBER OF REGISTERED ELECTORS IN THE SENATE DISTRICTS SHALL BE THOSE IN EFFECT AT THE TIME THE FORM OF THE PETITION HAS BEEN APPROVED FOR CIRCULATION AS PROVIDED BY LAW.