DATE FILED: March 26, 2018 3:00 PM

SUPREME COURT, STATE OF COLORADO **2 East 14th Avenue** **Denver, Colorado 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 2017-2018 #97 **Petitioners:** NEIL RAY v. **Respondents:** ANNE LEE FOSTER AND SUZANNE SPIEGEL and **Title Board:** SUZANNE STAIERT; JASON GELENDER; and GLENN ROPER	▲COURT USE ONLY▲
Attorneys for Respondents Martha M. Tierney, No. 27521 Tierney Lawrence LLC 225 E.16TH AVE, SUITE 350 Denver, CO 80203 Phone: (720) 242-7577 E-mail: mtierney@tierneylawrence.com	Case No.: 2018SA31

RESPONDENTS' RESPONSE BRIEF IN SUPORT OF PROPOSED INITIATIVE 2017-2018 #97

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 the brief complies with C.A.R. 28(g). It contains 4,270 words.

Further, the undersigned certifies that the brief complies with C.A.R. 28(k).

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 (R.__, p.__), not to an entire document, where the issue was raised and ruled on.

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.

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.AR. 32.

By: s/Martha M. Tierney

TABLE OF CONTENTS

Page(s)

TABLE OF AUTHORITIES

Page(s)

CASES

STATUTES

CONSTITUTIONAL PROVISIONS

Anne Lee Foster and Suzanne Spiegel (jointly "Proponents" or "Respondents"), registered electors of the State of Colorado, through their undersigned counsel, respectfully submit this Response Brief in support of the title, ballot title and submission clause (jointly, the "Title") that the Title Board set for Proposed Initiative 2017-2018 #97 ("Initiative #97") and in response to the Opening Brief filed by Petitioner Neil Ray.

SUMMARY OF ARGUMENT

The Title Board properly exercised its broad discretion in drafting the Title and modifying the fiscal abstract for Initiative #97. Initiative #97 contains a single subject by creating a statewide setback requirement for new oil and gas development of at least 2,500 feet from the nearest occupied structure or vulnerable area. The remaining provisions, including the definition of terms used in the measure, and an allowance for the state or a local government to increase the setback distance and designate vulnerable areas, all flow from the measure's single subject.

Initiative #97 does not present either of the dangers attending omnibus measures - the proponents did not combine an array of disconnected subjects into the measure for the purpose of garnering support from various factions; and voters will not be surprised by, or fraudulently led to vote for, any surreptitious provisions

coiled up in the folds of a complex initiative. Petitioners' concerns about the effects that Initiative #97 could have on other laws, or its application if enacted are not appropriate for review at this stage.

The fiscal abstract complies with Colorado law and is neither prejudicial nor misleading. The Title Board did not seek to, nor was it authorized to return the abstract to Legislative Council. The Title Board had jurisdiction to set a title for Initiative #97, and its jurisdiction was not impacted by the Legislative Council's decision to forgo posting on its website material from Proponents that did not constitute a fiscal impact estimate. The Title Board properly relied on testimony and evidence presented at the rehearing when it partially amended the fiscal abstract, and deferred to Legislative Council's judgment in the absence of a compelling reason that the abstract was inaccurate.

The Title satisfies Colorado law because it fairly and accurately sets forth the major features of Initiative #97 and is not misleading. The Title does not need to include a reference to a landowners' ability to waive a setback requirement, because the measure contains no such provision. The Title appropriately uses the term "new oil and gas development," which is contained in and defined by the measure. Finally, the Title makes clear that the measure authorizes state and local governments to create setback requirements in excess of 2,500 feet for new oil and

gas development from structures intended for human occupancy and any other area designated by the measure, the state, or a local government.

The Title Board is only obligated to fairly summarize the central points of a proposed measure, and, need not refer to every nuance and feature of the proposed measure. While a title must be fair, clear, accurate and complete, it is not required to set out every detail of an initiative.

Accordingly, there is no basis to set aside the Title, and the decision of the Title Board should be affirmed.

ARGUMENT

I. The Initiative Complies with the Single Subject Requirement.

A. Standard of Review.

Petitioner sets forth a portion of the appropriate standard of review for a single subject analysis employed by this Court when reviewing the Title Board's action in setting a title. Petitioner agrees with the Proponents that when reviewing a challenge to the Title Board's decision, this Court "employ[s] all legitimate presumptions in favor of the propriety of the Title Board's action." *In re Initiative for 2013-2014 #89*, 328 P.3d 172, 176 (Colo. 2014). Petitioner fails to mention that the Court will "only overturn the Title Board's finding that an initiative contains a

single subject in a clear case." *Id.* Proponents agree that Petitioner preserved this issue for appeal.

B. Initiative 2017-2018 #97 Contains a Single Subject.

The single subject of Initiative #97 is the creation of a statewide minimum distance requirement for new oil and gas development from occupied structures and vulnerable areas. The remainder of the measure contains a legislative declaration, definitions of terms used in the measure, and a provision allowing the state or a local government to increase the minimum distance requirement and designate vulnerable areas to which the distance requirement applies - all directly tied to the central focus of the measure. "Implementation details that are 'directly tied' to the initiative's 'central focus' do not constitute a separate subject." *In re Initiative for 1999-2000 #200A*, 992 P.2d 27, 30 (Colo. 2000).

Petitioner recycles almost the same single subject objections made against Initiative 2015-2016 #78, which this Court unanimously rejected in an *en banc* affirmance without opinion on April 14, 2016, and made against earlier setback and local control measures, Initiatives 2013-1014 #85 and #90. *See Cordero v. Leahy (In re Initiative 2013-2014 #85)*, 328 P.3d 136 (Colo. 2014); *Cordero v. Leahy (In re Initiative 2013-2014 #90)*, 328 P.3d 155 (Colo. 2014).

First, Petitioner points to preemption, and contends that Initiative #97 violates the single subject requirement because it "fundamentally changes the long-standing relationship between the state and local governments," "by allowing local governments to require larger setbacks from 'occupied structures' and 'vulnerable areas' than the 2,500-foot statewide setback." *Petitioner's Opening Brf., p. 14.* Further, Petitioner contends that Initiative #97 would change the outcome of two recent Supreme Court cases: *City of Fort Collins v. Colo. Oil and Gas Ass'n*, 2016 CO 28, and *City of Longmont v. Colo. Oil and Gas Ass'n*, 2016 CO 29, and in so doing, remove state preemption of oil and gas development. *Petitioner's Opening Brf, p. 16.*

Initiative 2015-2016 #78, a constitutional measure, contained almost identical language to the current provision in #97, a statutory initiative.

Initiative 2015-2016 #78:

> Section 4. Ability of the state or a local government to establish larger setbacks. A state or a local government may require that new oil and gas development facilities be located a larger distance away from occupied structures than granted in section 3 of this article. In the event that two or more local governments with jurisdiction over the same geographic area establish different setback distances, the larger setback shall govern.

Initiative 2017-2018 #97:

> (4) The state or a local government may require that new oil and gas development be located a larger distance away from occupied

> structures or vulnerable areas than required by subsection (3) of this section. In the event that two or more local governments with jurisdiction over the same geographic area establish different buffer zone distances, the larger buffer zone governs.

This Court rejected this same preemption argument against Initiative 2015-2016 #78 and did not agree that allowing local governments to expand the setback created a separate subject. Here, as there, the central objective of the initiative is to create a new minimum statewide setback requirement of <u>at least</u> 2,500 feet. The power to establish a greater setback distance is part of the central purpose of the measure. Similarly, allowing a local government to designate additional vulnerable areas does not create a separate subject. *See In re Initiative #90*, 328 P.2d at 161 (holding that "[a]ny effect the Proposed Initiatives would have on Colorado's preemption doctrine does not constitute a separate subject.")

Finally, the fact that Initiative #97 may be inconsistent with this Court's decisions in *City of Fort Collins* and *City of Longmont* does not create a separate subject. Rather, when deciding those cases, this Court did not have the benefit of a state law to interpret (and which #97 will create), that establishes a 2,500 minimum distance requirement and permits local governments to create larger setbacks and designate additional vulnerable areas. Those cases address local laws that may have conflicted with state regulatory aims at the time. Again, what Petitioner appears to be arguing here is that Initiative #97 is a bad idea. Yet, in determining

whether a proposed initiative comports with the single subject requirement, this Court "does not address the merits of the proposed initiative or predict how it may be applied if adopted by the electorate." *In re Title, Ballot Title & Submission Clause for 2007-2008 #62*, 184 P.3d 52, 58 (Colo. 2008). Despite Petitioner's objections, if Colorado voters decide to pass Initiative #97, it will become the state law that establishes new statewide aims and preempts local laws if they conflict with its provisions. It will effectuate the state's interest in the efficient and responsible development of oil and gas resources. It will just do these things in a manner with which Petitioner does not agree. But whether Petitioner believes Initiative #97 is a bad idea is not the test of whether it meets the single subject requirement. *In re Initiative 2013-2014 #90*, 328 P.2d at 161

Second, this Court also previously rejected Petitioner's largely identical argument that a measure granting local control over oil and gas development upsets the home rule doctrine and in so doing contains a separate subject. "The alteration of the existing power and authority of home rule and statutory cities to enact certain regulations pertaining to the central purpose of the initiative does not violate the single subject requirement." *Id.*; c*f. In re Title, Ballot Title & Submission Clause for Initiative 1999-2000 # 256*, 12 P.3d 246, 254 (Colo. 2000) (holding that the curtailment of home rule powers over development is a necessary

result of the measure's central purpose to manage development, and thus is not a separate subject).

Petitioner suggests, somewhat inconsistently, that the provisions allowing the state or a local government to increase the minimum setback distance or designate additional vulnerable areas pose the prospect of both "surprise" and "logrolling," two of the concerns to which the single subject requirement is directed. §1-40-106.5(1)(e)(I), (II), C.R.S. (2017). With regard to "surprise," the measure clearly states these provisions and they are prominently reflected in its title.

With regard to "logrolling" – the opposite of surprise - it is quite difficult to envision co-option of independent advocates of (a) 2,500 foot minimum setbacks and (b) allowing the state or a local government to increase the 2,500 foot minimum setback from occupied structures and designate additional vulnerable areas. If a voter does not favor allowing a state or local government to increase a minimum setback requirement from occupied structures or vulnerable areas, she will not vote for an initiative adopting minimum setback requirements that incorporates that allowance; if a voter does not favor setback requirements, she will not vote for a measure that not only enacts them but allows the state or a local government to increase the setback from occupied structures and vulnerable areas.

Initiative #97 complies with the single subject rule.

II. The Initiative's Abstract Meets the Requirements of Colorado Law.

A. Standard of Review.

Proponents agree that this Court has the authority to review an abstract prepared and submitted to the Title Board pursuant to C.R.S. §1-40-105.5. *Smith v. Hayes (In re Title, Ballot Title & Submission Clause for 2017-2018 #4),* 395 P.3d 318, 323 (Colo. 2017). Proponents also agree that the Court "should use the same standard to review an abstract as is it does to review a title," employ "all legitimate presumptions in favor of the propriety" of the Title Board's decisions and only overturn the Board's decision "in a clear case." *Id. Citations omitted*. The Court applies the same deferential standard in reviewing challenges to abstracts as it does in reviewing challenges to other Title Board decisions. *Id.* Proponents agree that Petitioner preserved this issue for appeal.

B. The Abstract Satisfies the Statutory Requirements.

Petitioner contends that the abstract fails to comply with the requirements of C.R.S. §1-40-105.5(3). The thrust of Petitioner's argument is that that abstract violates the statute because it does not include any hard numbers or other quantitative data. In particular, Petitioner wants the abstract to include the data he submitted relying on a study from 2016 that analyzes the effects of 2015-2016

Initiative #78, which did not exempt federal land from its purview, in contrast to Initiative #97, which does.

The law, which took effect in March 2016, requires the Office of Legislative Council to prepare an *initial* fiscal impact statement. § 1-40-105.5(2)(c)(III), C.R.S. ("For every initiated measure properly submitted to the Title Board under section 1-40-106, the [director of research of the legislative council of the general assembly] shall prepare an initial fiscal impact statement.") § 1-40-105.5(2)(a). Among other things, the initial fiscal impact statement "must . . . [i]nclude an abstract," § 1-40-105.5(2)(c)(III), which must contain enumerated estimates and statements, § 1-40-105.5(3).

Natalie Mullis, Legislative Council staff, testified before the Title Board at the rehearing on Initiative #97, and stated that her office considered the studies submitted by Petitioner, but rejected including any hard numbers from those studies in the initial fiscal impact statement and abstract because they were based on assumptions that the Legislative Council could not adopt.[1] *Transcript*, p. 43, *l.* 12 – p. 45, *l.* 15. Petitioner's own witness, Chris Brown, agreed that hard numbers contained in the 2016 studies were dependent upon the amount of land mass

[1] A certified transcript from the Title Board rehearing on 2017-2018 Initiative #97 on February 7, 2018 was submitted with Respondents Opening Brief as Exhibit A. Respondents will cite to the certified transcript herein as *Transcript, page number, line number*.

covered by the initiatives, and because Initiative #97 covered a different amount of land mass (exempting federal land), then the numbers "might change." *Transcript*, p. 69, *l.* 4 – p. 70, *l.* 3. The Title Board accepted the Legislative Council's approach and agreed that it was improper to include the hard numbers contained in 2016 studies regarding the impacts of a 2,500 setback because they were based on Initiative 2015-2016 #78, which covered the entire state, and did not exempt federal land, as does Initiative #97. *Transcript*, p. 55, *l.* 7 – p. 57, *l.* 3; p. 61, *ll.* 21-25. Petitioner's arguments to the contrary, because Initiative 2015-2016 #78 and 2017-2018 #97 pertain to different portions of land in the state of Colorado, the 2016 studies are not sufficiently reliable to include in the initial fiscal statement or abstract for Initiative #97.

Ms. Mullis testified that for Initiative #97, there is no way to give precise estimates of fiscal or other impacts. *Transcript*, p. 43, *l.* 12 – p. 45, *l.* 15. In such situations, including with prior legislative bills containing setback measures for oil and gas development, Ms. Mullis stated that it is standard practice for the Legislative Council to provide indeterminate qualitative impact statements. *Transcript*, p. 40, *l.* 8 – p. 41, *l.* 13; p. 45, *ll.* 1-15. In contrast to Petitioner's argument, relevant quantitative estimates were not possible, and were not readily available.

The abstract for Initiative #97 also is not misleading or prejudicial because it includes the statement "increasing the setback distance, to the extent less development improves health outcomes for affected residents, may increase productivity and reduce medical costs." Proponents submitted data to Legislative Council to support this general statement. *Transcript,* p. 48, *l.* 51 – p. 50, *l.* 8; p. 80, *l.* 23 – p. 84, *l.* 4. The abstract is largely weighted toward the negative impacts of Initiative #97. It contains only one statement about the possible benefits of the measure, which is supported by the data submitted by Proponents. This lopsided treatment does not render the abstract misleading and prejudicial.

Nonetheless, the Title Board did amend the abstract in several ways to address Petitioner's concerns. *Transcript*, p. 93, *l.* 18 – p. 98, *l.* 5. Like in *Smith v. Hayes,* here the Title Board considered the testimony offered at the Title Board hearing, the requirements of section 1-40-105.5(3), and other available evidence, and decided it should rely on Legislative Council's judgement ant approve the abstract. *Smith v. Hayes*, 395 P.2d at 324; *Transcript,* pp. 106, *l.* 7 – 107, *l.* 23. This is not a "clear case" where the Title Board's decision must be overturned. *Id.* at 324-25.

C. The Title Board Was Not Authorized to Return the Abstract to Legislative Council.

Petitioner contends that the Title Board should have returned the Fiscal Abstract to the Legislative Council instead of setting a title because it failed to meet legal requirements. Nothing, however, in C.R.S. §1-40-105.5 or in §1-40-107, authorizes the Title Board to return the abstract to the Legislative Council to modify the abstract. The statute allows the Title Board to "modify the abstract based on information presented at the rehearing," which is exactly what the Title Board did here. *See* §1-40-107(1)(b), C.R.S.

The Title Board sought and received legal guidance in executive session from its counsel from the Colorado Attorney General's Office, and, concluded that it did not have the authority or jurisdiction to send the fiscal impact statement or abstract back to Legislative Council. *Transcript*, p. 65, *ll.* 12-21. The Title Board determined that its only authority under the statute is to modify the abstract based on information presented at the rehearing. *Id.*

Additionally, returning the abstract to Legislative Council to reconsider their work would essentially deprive Proponents of their constitutionally protected right of initiative, because a return of the abstract at this stage (or likely at any point after March 1), would possibly run out the clock for the 2018 cycle and deprive

Proponents of the opportunity to place their initiative on the 2018 ballot - through no fault of their own, and indeed through nothing within their control.

Significantly, the Title Board did not conclude that the abstract failed to meet legal requirements. Rather, the Title Board made some amendments to the abstract, determined that the abstract was "not inherently prejudicial or misleading," and that it should "defer to Legislative Council." *Transcript*, pp. 106, *l.* 7 – 107, *l.* 23.

D. <u>The Title Board Had Jurisdiction to Set a Title</u>.

Petitioner contends that because Legislative Council did not post on its website the data that Proponents submitted to inform the fiscal statement and abstract, that the Title Board lacked jurisdiction to consider Initiative #97.

The statute obligates Legislative Council to post on its website the fiscal impact estimates that it receives. *See,* §1-40-105.5(6). Because Proponents did not submit a fiscal impact estimate, Legislative Council had no obligation to post the information that Proponents submitted on its website. More importantly, nothing in the statute indicates that Legislative Council's failure to post all fiscal impact estimates received would deprive the Title Board of jurisdiction to set a title. Such a result would deprive the Proponents of their fundamental right of initiative

through something entirely out of their control. *See Colo. Const. art.* V, 1(10); *Loonan v. Woodley*, 882 P.2d 1380, 1383 (Colo. 1994).

When §1-40-105.5(6) is liberally construed in favor of the right of the people to exercise the power of initiative, it must not be interpreted to deprive the Title Board of jurisdiction if the Legislative Council does not post all fiscal impact estimates it receives on its website. *See Fabec v. Beck*, 922 P.2d 330, 341 (Colo. 1996); *Committee for Better Health Care for All Colo. Citizens v. Meyer*, 830 P.2d 884, 893 (Colo. 1992).

E. The Title Board Did Not Err When It Received Testimony at the Rehearing about the Abstract.

Petitioner makes a final argument about the fiscal abstract, contending that the Title Board erroneously relied on Proponent's testimony in considering the abstract. This argument lacks merit. Petitioner essentially argues that the Title Board may not consider any testimony or evidence submitted at a Title Board hearing that was not available to the Petitioner before the hearing. This is not how the Title Board operates and nothing in the law substantiates this. Rather, the statute allows any person to appear before the Title Board and make arguments at a rehearing in support or in opposition of a title or an abstract. *See* §1-40-107(2), C.R.S. There is no limit on the number of motions for rehearing that may be filed, and there is no requirement that an objector be provided in advance with all of the

arguments that may be made in support or in opposition of a title or an abstract. Petitioner's argument that no new evidence may be presented at the rehearing is unsupported by the statute and by this Court's recent pronouncements. *See Smith v. Hayes*, 395 P.2d at 324.

III. The Initiative's Title Correctly and Fairly Expresses the True Intent and Meaning of the Measure.

A. Standard of Review.

Petitioner fails to recite the accurate standard of review when reviewing a title to ensure it is not misleading or unclear. The Title Board is required to set a title that "consist[s] of a brief statement accurately reflecting the central features of the proposed measure." *In re Initiative on "Trespass-Streams with Flowing Water,"* 910 P.2d 21, 24 (Colo. 1996). 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." *In re Initiative for 2009-2010 # 24*, 218 P.3d 350, 356 (Colo. 2009) (*quoting In re Initiative on Parental Notification of Abortions for Minors*, 794 P.2d 238, 242 (Colo. 1990)). The Court will not rewrite the titles or submission clause for the Board, and will reverse the Board's action in preparing them only if they

contain a material and significant omission, misstatement, or misrepresentation. *In re Title, Ballot Title & Submission Clause for 1997-98 # 62*, 961 P.2d 1077, 1082 (Colo. 1998). Proponents agree that Petitioner preserved this issue for appeal.

B. The Title and Submission Clauses Are Not Misleading.

The Title Board's duty in setting a title is to summarize the central features of the proposed initiative; in so doing, the Title Board is not required to explain the meaning or potential effects of the proposed initiative on the current statutory scheme. *In re Initiative for 2013-2014 #85*, 328 P.3d at 144.

Petitioner asserts four reasons why the Title for Initiative #97 is misleading. All of the arguments should be rejected. First, he contends that the Title must state that the measure applies to re-entry of existing oil or gas wells. This is the type of detail that is not required to be included in a title. The Title spells out the major features of the measure. "While titles must be fair, clear, accurate and complete, the Title Board is not required to set out every detail of an initiative." *In re 2007-2008 # 62*, 184 P.3d at 60; *Submission Clause, & Summary for Proposed Initiative on Educ. Tax Refund*, 823 P.2d 1353, 1355 (Colo. 1991) ("The board is not required to describe every nuance and feature of the proposed measure.").

Next, Petitioner contends that the Title is flawed because it does not list out the types of vulnerable areas to which the measure applies. The text of Initiative

#97 defines "vulnerable areas" to mean "playgrounds, permanent sports fields, amphitheaters, public parks, public open space, public and community drinking water sources, irrigation canals, reservoirs, lakes, rivers, perennial or intermittent streams, and creeks, and any additional vulnerable areas designated by the state or a local government." To satisfy the requirement of brevity, and to avoid any confusion with a partial definition given the non-exhaustive list, the Title Board used the term "any area designated for additional protection" in the Title, which is not clearly misleading and, thus, was within their discretion. The "Title Board is given discretion in resolving interrelated problems of length, complexity, and clarity in setting a title." *In re Initiative for 2013-2014 #85*, 328 P.3d at 144.

Next, Petitioner misinterprets the measure, and alleges that the Title must explain that the jurisdiction with the greatest distance requirement governs, regardless of existing home-rule relationships. The measure, however, does not address home-rule implications, nor specify how a home-rule jurisdiction will be impacted by its terms. Petitioner's reasoning is pure speculation. The Title Board is "only obligated to fairly summarize the central points of a proposed measure, and need not refer to every effect that the measure may have on the current statutory scheme." *In re Initiative for 2013-2014 #90*, 328 P.2d at 164. (citations omitted). "The titles and summary are intended to alert the electorate to the salient

characteristics of the proposed measure." *In re Initiative for 1999-2000 #255*, 4 P.3d 485, 497 (Colo. 2000). The Title for Initiative #97 is clear and does not mislead the voters.

Finally, Petitioner maintains that the Title should state that the measure eliminates a landowners' ability to waive a setback. Yet the measure does not so state, and any attempt by the Title Board to include in the Title language about how or if a waiver might be made available post-adoption is pure guesswork. The Court is not to "consider whether the Title Board set the best possible title; rather, [its] duty is to ensure that the title "fairly reflect[s] the proposed initiative so that petition signers and voters will not be misled into support for or against a proposition by reason of the words employed by the Board." *In re Initiative for 2007-2008 #62*, 184 P.3d at 58. The Title of Initiative # 97 captures the primary features of the measure and does not mislead voters as to the initiative's purpose or effect.

CONCLUSION

The Proponents respectfully request the Court to affirm the actions of the Title Board with regard to Proposed Initiative 2017-2018 #97.

Respectfully submitted this 26th day of March 2018.

TIERNEY LAWRENCE LLC

By: s/Martha M. Tierney

Martha M. Tierney, No. 27521
225 E 16th Ave., Suite 350
Denver, Colorado 80203
Phone Number: (720) 242-7577
E-mail: mtierney@tierneylawrence.com

Attorneys for Respondents

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of March 2018 a true and correct copy of the foregoing **RESPONDENTS' ANSWER BRIEF IN SUPORT OF PROPOSED INITIATIVE 2017-2018 #97** was filed and served via the Colorado Courts E-Filing System to the following:

Jason R. Dunn, Esq.
David Meschke, Esq.
Brownstein Hyatt Farber Schreck LLP
410 17th Street, #2200
Denver, CO 80202
Email: jdunn@bhfs.com
dmeschke@bhfs.com
Attorneys for Petitioner Neil Ray

Matthew Grove, Esq.
Office of the Colorado Attorney General
Assistant Attorney General
1300 Broadway, 6th Floor
Denver, Colorado 80203
Email: matt.grove@coag.gov
Attorney for Title Board

s/Martha M. Tierney

In accordance with C.A.R. 30(f), a printed copy of this document with original signatures is being maintained by the filing party and will be made available for inspection by other parties or the Court upon request.