

<p>SUPREME COURT OF COLORADO 2 East 14<sup>th</sup> Avenue Denver, Colorado 80203</p>	
<p>Petition for Review 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 2019- 2020, #3</p> <p><b>Petitioners/Proponents:</b> CAROL HEDGES and STEVE BRIGGS</p> <p><b>v.</b></p> <p><b>Ballot Title Board:</b> BEN SCHLER, LEEANN MORRILL, and JASON GELENDER</p>	<p><b>▲ COURT USE ONLY ▲</b></p>
<p>Attorneys for Petitioner:</p> <p>Edward T. Ramey, #6748 Martha M. Tierney, #27521 Tierney Lawrence LLC 225 East 16<sup>th</sup> Avenue, Suite 350 Denver, CO 80203 Telephone: 720-242-7585; 720-242-7577 Email: <a href="mailto:eramey@tierneylawrence.com">eramey@tierneylawrence.com</a>; <a href="mailto:mtierney@tierneylawrence.com">mtierney@tierneylawrence.com</a></p>	<p>Supreme Court Case No.</p>
<p><b>PETITION FOR REVIEW OF FINAL ACTION OF BALLOT TITLE SETTING BOARD CONCERNING PROPOSED INITIATIVE 2019-2020 #3</b></p>	

Carol Hedges and Steve Briggs (“Petitioners”), designated representatives of the proponents of Proposed Initiative 2019-2020 #3 (the “Proposed Initiative”), through their undersigned counsel, respectfully petition this Court pursuant to §1-40-107(2), C.R.S. (2018), to review the actions of the Ballot Title Setting Board (“Title Board”) with respect to its decision to deny setting of a title for the Proposed Initiative on the grounds that the Proposed Initiative does not contain a single subject.

## **STATEMENT OF THE CASE**

### **A. Procedural History of Proposed Initiative 2019-2020 #3**

Petitioners are the designated representatives of the proponents of the Proposed Initiative. Petitioners submitted their Proposed Initiative to the Title Board for the setting of a title and submission clause pursuant to §1-40-106, C.R.S. (2018), on January 4, 2019.

The Title Board held a hearing on January 16, 2019, and determined the Proposed Initiative contained more than a single subject as required by Colo. Const. art. V, §1(5.5), and §1-40-106.5, C.R.S. (2018), and, therefore, denied the setting of a title for lack of jurisdiction. On January 22, 2019, Petitioners filed a Motion for Rehearing, submitting that the Proposed Initiative does not contain

more than a single subject. The Title Board held a rehearing on February 6, 2019, at which time it denied the Motion for Rehearing.

### **B. Jurisdiction**

Petitioner is timely requesting a review of the actions of the Title Board by the Supreme Court pursuant to §1-40-107(2), C.R.S. (2018).

As required by §1-40-107(2), C.R.S. (2018), attached to this Petition for Review are certified copies of: (1) the final copy of the Proposed Initiative as submitted to the Title Board; (2) the determination by the Title Board at its initial hearing on the Proposed Initiative on January 16, 2019; (3) the initial fiscal abstract for the Proposed Initiative prepared by the Director of Research of the Legislative Council of the General Assembly pursuant to §1-40-105.5, C.R.S. (2018); (4) the Motion for Rehearing filed by the Petitioners on January 22, 2019, regarding both the single subject determination and the fiscal abstract; and (5) the determination by the Title Board to deny the Motion for Rehearing on its single subject determination – and therefore also regarding the fiscal abstract for lack of jurisdiction – at the rehearing on February 6, 2019.

### **GROUND FOR REVIEW**

Petitioners respectfully submit that the Title Board erred in its determination that the Proposed Initiative violates the single subject requirement of Colo. Const.

art. V, §1(5.5), and §1-40-106.5, C.R.S. (2018), particularly in the context of an initiative that is no more nor less than a straight repeal of a single constitutional provision formerly adopted by the voters as a single measure.

### **PRAYER FOR RELIEF**

Petitioners respectfully request the Court to reverse the determination of the Title Board and to return the Proposed Initiative to the Title Board with direction to set a ballot title and submission clause and to consider objections to the tendered fiscal abstract.

Respectfully submitted this 13<sup>th</sup> day of February, 2019.

*s/Edward T. Ramey*

Edward T. Ramey, #6748

Martha M. Tierney, #27521

Tierney Lawrence LLC

225 East 16<sup>th</sup> Avenue, Suite 350

Denver, CO 80203

Telephone: 720-242-7585; 720-242-7577

Email: [eramey@tierneylawrence.com](mailto:eramey@tierneylawrence.com);

[mtierney@tierneylawrence.com](mailto:mtierney@tierneylawrence.com)

**ATTORNEYS FOR PETITIONERS**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 13<sup>th</sup> day of February, 2019, a true and correct copy of the foregoing **PETITION FOR REVIEW OF FINAL ACTION OF BALLOT TITLE SETTING BOARD CONCERNING PROPOSED INITIATIVE 2019-2020 #3** was filed and served by electronic mail and United States Mail upon the following via the addresses below:

LeeAnn Morrill, Esq.  
First Assistant Attorney General  
Public Officials Unit  
Colorado Attorney General's Office  
Ralph L. Carr Colorado Judicial Center  
1300 Broadway, 6<sup>th</sup> Floor  
Denver, Colorado 80203  
[leeann.Morrill@coag.gov](mailto:leeann.Morrill@coag.gov)  
*Attorneys for Title Board*

*s/Edward T. Ramey*  
Edward T. Ramey

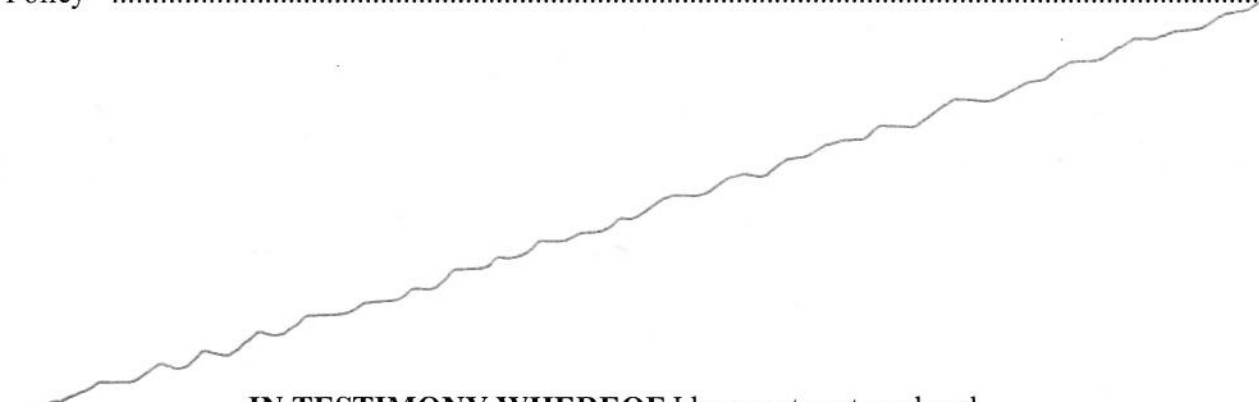


# STATE OF COLORADO

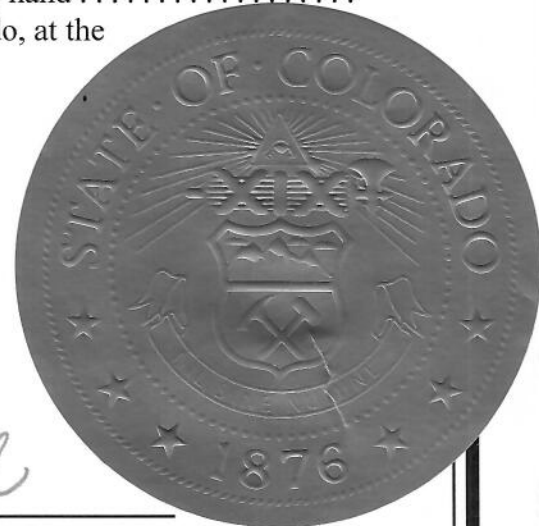
## DEPARTMENT OF STATE CERTIFICATE

I, **JENA GRISWOLD**, Secretary of State of the State of Colorado, do hereby certify that:

the attached are true and exact copies of the filed text, fiscal impact abstract, motion for rehearing, and the rulings thereon of the Title Board for Proposed Initiative "2019-2020 #3 'State Fiscal Policy'".....



..... **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 7<sup>th</sup> day of February, 2019.



*Jena Griswold*

SECRETARY OF STATE

RECEIVED

8:24 A.M.

JAN 04 2019

S.WARD

Colorado Secretary of State

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

**SECTION 1.** In the constitution of the state of Colorado, **repeal** section 20 of article X.

**Ballot Title Setting Board**

**Proposed Initiative 2019-2020 #3<sup>1</sup>**

*Hearing January 16, 2019:*

*Title setting denied on the basis that the measure does not constitute a single subject.*

*Hearing adjourned 1:35 PM.*

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<sup>1</sup> Unofficially captioned “**State Fiscal Policy**” by legislative staff for tracking purposes. This caption is not part of the titles set by the Board.



### **Abstract of Initiative 3: STATE FISCAL POLICY**

*The abstract includes estimates of the fiscal impact of the proposed initiative. If this initiative is to be placed on the ballot, Legislative Council Staff will prepare new estimates as part of a fiscal impact statement, which includes an abstract of that information. All fiscal impact statements are available at [www.ColoradoBlueBook.com](http://www.ColoradoBlueBook.com) and the abstract will be included in the ballot information booklet that is prepared for the initiative.*

**This initial fiscal estimate, prepared by the nonpartisan Director of Research of the Legislative Council as of January 2019, identifies the following impacts:**

**State revenue.** The measure has no direct impact on state revenue, but will allow state lawmakers to raise revenue without voter approval in future years.

**State expenditures.** The measure reduces state expenditures for refunds to taxpayers in all future years for which a refund obligation would otherwise be refunded, and reduces workload for state agencies responsible for administering the constitutional provisions repealed in the measure. It will also allow state lawmakers to increase spending above the limit currently imposed in the constitution.

**Local government impact.** The measure is expected to increase local government revenue and decrease local government expenditures for refunds to taxpayers beginning in FY 2020-21.

**Economic impacts.** The measure is expected to increase revenue and spending for state and local governments over the long term, shifting a portion of the state's economy from the private sector to the public sector. Government spending for public goods and services, including for example health care, education, social services, infrastructure, and public safety, will increase. Household and business spending or saving will be correspondingly reduced.

RECEIVED

JAN 22 2019

S. WARD

BALLOT TITLE SETTING BOARD

Colorado Secretary of State

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IN THE MATTER OF PROPOSED INITIATIVE 2019-2020 #3

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MOTION FOR REHEARING ON PROPOSED INITIATIVE 2019-2020 #3

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On behalf of Carol Hedges and Steve Briggs, representatives of the proponents of Proposed Initiative 2019-2020 #3, undersigned counsel hereby submits this Motion for Rehearing on said Initiative pursuant to Section 1-40-107, C.R.S. (2018), and as grounds therefore states as follows:

1. The Ballot Title Setting Board denied the setting of a title for Proposed Initiative 2019-2020 #3 on the grounds that it does not constitute a single subject. Proponents request a rehearing on the issue of whether a straight repeal – as distinct from adoption, amendment, or preventing a repeal – constitutes a single subject in this context.

2. The Proponents also are not satisfied with the abstract prepared by the Director of Research of the Legislative Council of the General Assembly with regard to Proposed Initiative 2019-2020 #3. The Proponents submit that commentary in the abstract regarding an expected economic impact of shifting a portion of the state's economy from the private sector to the public sector, as well as a corresponding reduction in household and business spending or saving, is wholly speculative regarding unknowable legislative responses to the restoration of its core constitutional responsibilities, incorrect, misleading, and prejudicial.

Respectfully submitted this 22nd day of January, 2019.

*s/Edward T. Ramey*

Edward T. Ramey, #6748

Tierney Lawrence LLC

225 East 16<sup>th</sup> Avenue, Suite 350

Denver, CO 80203

Telephone: 720-242-7585

Email: [eramey@tierneylawrence.com](mailto:eramey@tierneylawrence.com)

Attorneys for Representatives of Proponents

Representatives of Proponents:

Carol Hedges

2217 Elm Street

Denver, CO 80207

Phone: 720-341-9690

Email: [Hedges@coloradofiscal.org](mailto:Hedges@coloradofiscal.org)

Steve Briggs

6500 West Mansfield Avenue, Unit 34

Denver, CO 80235

Phone: 720-810-7979

Email: [steveindenverco@gmail.com](mailto:steveindenverco@gmail.com)

**Ballot Title Setting Board**

**Proposed Initiative 2019-2020 #3<sup>1</sup>**

*Hearing January 16, 2019:*

*Title setting denied on the basis that the measure does not constitute a single subject.*

*Hearing adjourned 1:35 PM.*

*Rehearing February 6, 2019:*

*Motion for Rehearing denied as to single subject; Motion for Rehearing regarding the fiscal impact abstract denied for lack of jurisdiction because the Board declined to set title.*

*Hearing adjourned 1:18 p.m.*

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<sup>1</sup> Unofficially captioned “**State Fiscal Policy**” by legislative staff for tracking purposes. This caption is not part of the titles set by the Board.