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SUPREME COURT, STATE OF COLORADO 2 East 14th Avenue Denver, Colorado 80203	
Original Proceeding Pursuant to Colo. Rev. Stat. § 1-40-107(2), C.R.S. (2019-2020) Appeal from the Ballot Title Board	
In the Matter of the Title, Ballot Title, and Submission Clause for Proposed Initiative 2019-2020 #293 ("Tobacco Tax Revenue for New State Preschool Program") **Petitioners**: ANNA JO HAYNES, v. **Respondents**: MONICA VONDRUSKA and JON CALDARA, and **Title Board:** THERESA CONLEY, DAVID POWELL, and JASON GELENDER.	▲COURT USE ONLY▲
Benjamin J. Larson, #42540 William A. Hobbs, #7753 IRELAND STAPLETON PRYOR & PASCOE, PC 717 17th Street, Suite 2800 Denver, Colorado 80202 Telephone: 303-623-2700 Facsimile: 303-623-2062 E-mail: blarson@irelandstapleton.com bhobbs@irelandstapleton.com	Supreme Court Case No.: 2020SA136

RESPONDENTS' ANSWER BRIEF

CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with all requirements of C.A.R. 28 or C.A.R. 28.1, and C.A.R. 32, including all formatting requirements set forth in these rules. Specifically, the undersigned certifies that:

The brief complies with the applicable word limits set forth in C.A.R. 28(g) because it contains 4,196 words.

The brief complies with the standard of review requirements set forth in C.A.R. 28(a)(7)(A), because it contains under a separate heading before the discussion of the issue, as applicable, a concise statement: (1) of the applicable standard of appellate review with citation to authority; and (2) whether the issue was preserved, and if preserved, the precise location in the record where the issue was raised and where the court ruled, not to an entire document.

I acknowledge that my brief may be stricken if it fails to comply with any of the requirements of C.A.R. 28 or 28.1, and C.A.R. 32.

By: */s/ Benjamin J. Larson*
Benjamin J. Larson, #42540

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases

Statutes

Other Authorities

Respondents Monica Vondruska and Jon Caldara ("Proponents"), registered electors of the State of Colorado and the designated representatives of the proponents of Initiative 2019-2020 #293 ("Initiative #293"), through counsel, IRELAND STAPLETON PRYOR & PASCOE, PC, respectfully submit their Answer Brief in support of the title, ballot title, and submission clause (the "Title(s)") set by the Title Board for Initiative #293 and in response to the Opening Brief submitted by Petitioner Anna Jo Haynes ("Objector").

SUMMARY OF ARGUMENT

Objector's single subject argument is based on two false premises that are derived from her misconstruction of Initiative #293. First, Objector asserts that no connection exists between the banning reallocation provision and the funding of a new preschool program. The only way Objector can make this argument is by glossing over a critical aspect of the banning reallocation provision: Cigarette tax rebates that would otherwise go to local governments—if not for a future ban—are reallocated to the new preschool program to preserve its tax funding base.

Objector fails to acknowledge this direct connection anywhere in her single subject argument. While the policy reasons behind this provision are irrelevant to the single-subject inquiry, this provision makes sense because it shores up revenue

streams for the new preschool program if the tax base from tobacco and nicotine products is eroded by future bans.

The second false premise at the heart of Objector's single subject argument is that Initiative #293 "insert[s] a ban on policy making" by "prevent[ing] [local] legislators from acting." Initiative #293 does no such thing—local governments are free to ban the sale of tobacco and nicotine products, but if they do, they will forego their share of state cigarette tax revenues. How state cigarette taxes are apportioned is a function of state legislative authority, not local authority, and therefore Initiative #293 in no way alters the authority of local governments to legislate at a local level.

As for Objector's clear title arguments, she continues to overstate the importance of the banning reallocation provision by speculating as to its future effects. The Title Board, after hearing all the arguments below, correctly determined that the banning reallocation is not a central feature and that the increased length in the Titles needed to accurately describe this provision—which provides one of several tobacco-related funding sources—is unwarranted. The Court should defer to the Title Board's broad discretion on this issue rather than accept Objector's hyperbole as to the alleged future effects of this provision.

Finally, with respect to Objector's last clear-title argument that the Titles should identify certain programs that will be impacted by the reallocation of funds,

Objector does not contend that the Titles Board's succinct description of the affected programs is inaccurate. Rather, Objector reasons that her desire to identify certain handpicked programs of her own choosing should trump the Title Board's statutory obligation to make ballot titles brief. Objector fails to cite any applicable authority for her proposition that the Titles must identify specific examples of the affected programs. Consequently, the Title Board was well within its broad discretion in determining that a concise summary of the affected programs is best suited for the Titles here.

ARGUMENT

A. Standard of Review/Preservation.

Objector's recitation of the standard of review does not recognize the deference this Court gives to the Title Board on both single-subject and clear-title issues. Objector's Opening Br. at 5-7. The Court reviews both issues for clear error. *In re Title, Ballot Title, and Submission Clause for 2013-2014 #89*, 328 P.3d 172, 176, 179 (Colo. 2014) ("[The Court] liberally construe[s] the single subject requirement and 'only overturn[s] the Title Board's finding that an initiative contains a single subject in a clear case.'") ("[W]e grant great deference to the Title Board's

decisions [in setting Titles]. As such, we only reverse the Titles where the language is 'clearly misleading.'" (internal citations omitted)).

As stated in their Opening Brief, Proponents agree that the issues raised on appeal were preserved.

B. Objector's Single-Subject Argument Is Premised on Her Misconstruction of the Banning Reallocation Provision.

As the Title Board recognized, the banning reallocation provision is an implementing provision aimed at preserving funding for the new preschool program and is directly connected to Initiative #293's central purpose of funding a new preschool program. Objector is therefore forced to misconstrue Initiative #293's banning reallocation provision in two critical ways in an attempt to create a second subject. This section addresses each of these two errors in turn. Finally, this section addresses Objector's legal authorities that, when accounting for her errors in interpreting the banning reallocation provision, support the Title Board's single subject determination.

1. Objector Fails to Recognize the Connection Between the Banning Reallocation Provision and the Central Purpose of Funding a New Preschool Program.

Not once in Objector's five-page single-subject argument does she acknowledge the direct connection between the banning reallocation provision and

Initiative #293's central purpose of funding a new preschool by reallocating tobacco and nicotine-related tax revenues. Objector's Opening Br. at 7-12. Specifically, the portion of state cigarette tax revenues that would otherwise go to a local government—if not for a future ban on tobacco and nicotine products—are reallocated to the new preschool program to preserve the program's tax funding base. R., pp. 4-5, Proposed § 39-22-623(1)(a)(II)(A), C.R.S. Objector's Opening Brief simply glosses over this aspect of the banning reallocation provision.

Instead, Objector contends that Initiative #293 proposes a "program plus restriction on lawmaking" with no linkage between the two. *Id.* at 8. As discussed below, Objector's contention that Initiative #293 restricts lawmaking is wrong, but more importantly, the threshold premise of no connection between the banning reallocation provision and the funding of Proponents' new preschool program is meritless.

To the extent Objector chooses to recognize this direct connection in her Answer Brief, the Court should reject any follow-up argument that the banning reallocation is not "properly" connected to the funding of the preschool program. While Objector argued below that Proponents have no "internal justification" for utilizing the banning reallocation as a funding mechanism, this Court does not

consider the merits of a proposed measure as part of the single-subject inquiry.[1] *In re Title, Ballot Title & Submission Clause, & Summary for 1999-2000 No. 258(A)*, 4 P.3d 1094, 1097 (Colo. 2000) ("In conducting our single-subject review, we do not make policy—that role belongs to the initiative sponsors and, ultimately, to the voters.")

Nevertheless, Objector continues to frame the banning reallocation provision as a second subject in her Opening Brief by injecting policy-based arguments that attack the wisdom of the provision. *See, e.g.*, Objector's Opening Br. at 11 (sensationally—and incorrectly—contending that Initiative #293 will cause voters to "los[e] the ability to keep [their children] safe"); *id.* at 12 (arguing "[t]he relative desirability of local bans"); *id.* at 7-8 (repeatedly—and incorrectly—contending that Initiative #293 "bans" local policymaking).[2] While Proponents' policy reasons behind the banning reallocation provision are irrelevant to the single-subject inquiry, this provision makes sense because Proponents need to fund their

[1] The alleged lack of "justification" for the banning reallocation provision was the focus of Objector's Motion for Rehearing before the Title Board. R., p. 22.

[2] Aside from the fact that local governments are still free to ban the sale of tobacco and nicotine products, Objector's contention that Initiative #293 takes away voters' ability to "keep their children safe" ignores that the minimum purchase age for tobacco and nicotine products was raised from 18 to 21 in 2019 by federal legislation. *See* *https://www.colorado.gov/pacific/enforcement/tobacco-enforcement*. Regardless of whether jurisdictions enact a ban, these products cannot be sold to children.

new preschool program and have chosen to do so by reallocating state revenues from tobacco and nicotine taxes. The banning reallocation provision shores up these revenue streams if the tax base from tobacco and nicotine products is eroded by future local bans. *See* R., p. 6, Proposed § 39-28-110(1), C.R.S. (reallocating portion of statutory cigarette tax); R., pp. 6-7 Proposed § 39-28.5-108(1), C.R.S. (reallocating portion of statutory tobacco taxes).

Consequently, Objector's repeated characterization of the banning reallocation provision as a "financial penalty" is incorrect. Nothing in the record supports Objector's imputation of a punitive purpose behind this provision. Rather, as the Title Board recognized, logical policy dictates that local governments that do not collect any state cigarette tax revenues should not expect or get a proportionate share of those tax revenues.[3] Instead of providing banning jurisdictions a windfall on cigarette tax revenues, Initiative #293 establishes another tobacco-related revenue stream by reallocating the windfall funds to the new preschool program.

Accordingly, the banning reallocation provision is directly related to the funding of the new program and does not create a second subject. *In re Title, Ballot*

[3] Rehearing Before Title Board on Proposed Initiative 2019-2020 #293 (April 15, 2020, *available at* https://csos.granicus.com/MediaPlayer.php?view_id=1&clip_id=165 (discussion at 3:00:30-3:02:11) (addressing identical issue on 2019-2020 #293).

Title & Submission Clause, & Summary for 1999-00 #256, 12 P.3d 246, 254 (Colo. 2000) ("Just because a proposal may have different effects or that it makes policy choices that are not inevitably interconnected that it necessarily violates the single-subject requirement. It is enough that the provisions of a proposal are connected."); *In re 1999-2000 No. 258(A)*, 4 P.3d at 1097 ("Implementing provisions that are directly tied to the initiative's central focus are not separate subjects.")

2. Objector Incorrectly Characterizes the Banning Reallocation Provision as Altering Local Legislative Authority.

In an attempt to fit Initiative #293 within the framework of the inapposite single-subject case law cited in the Opening Brief, Objector repeatedly mischaracterizes Initiative #293 as barring municipalities from exercising their local legislative authority to ban the sale of tobacco and nicotine products. Objector's Opening Br. at 7, 8, 10, 11, 12. The following are instances of Objector's Opening Brief misconstruing the banning reallocation provision in this way:

- Describing Initiative #293 in terms of a "ban on policy making." *Id.* at 7 (emphasis added).
- Comparing Initiative #293 to measures that "enact[] one policy and then prevent[] legislators from acting as to a separate one." *Id.* (emphasis added).

- Comparing Initiative #293 to a measure that "negate[d] the power of the General Assembly to exercise legislative supervision." *Id.* at 8 (emphasis added).
- Describing Initiative #293 as forcing local governments to "foresak[e] legislative prerogatives." *Id.* (emphasis added).
- Characterizing Initiative #293 as a measure that "would deprive the legislators they elect from exercising any authority." *Id.* at 10 (emphasis added).
- Describing Initiative #293 as causing voters to "los[e] the ability to keep th[eir] children safe." *Id.* at 11 (emphasis added).
- Characterizing Initiative #293 as imposing a "significant change to the policy making right of legislators." *Id.* at 11-12 (emphasis added).

Simply saying a thing over and over does not make it true. In reality, if Initiative #293 were to pass, local governments would still be free to ban the sale of tobacco and nicotine products, but if they do, they will forego their share of state cigarette tax revenues. R., pp. 4-5, Proposed § 39-22-623(1)(a)(II)(A), C.R.S. But how state cigarette taxes are apportioned is a function of state legislative authority (whether through initiative or through the General Assembly), not a matter of local

authority, and therefore Initiative #293 does not alter the authority of municipalities to legislate at a local level.

3. When Correctly Framing Initiative #293, the Case Law Cited by Objector Supports a Single-Subject Determination.

Objector couches the banning reallocation as having no connection to the funding of the preschool program and as altering local legislative authority so that she can shoehorn inapposite case law into her single subject analysis. When correctly framing the banning reallocation for what it is, the cited authorities support the Title Board's single subject determination.

Objector relies primarily on this Court's decision in *In re Title, Ballot Title, Submission Clause for 2009-2010 No. 91*, 235 P.3d 1071 (Colo. 2010) to support her single subject argument. Objector's Opening Br. at 7-11. In that case, the central purpose of the measure was the imposition of a new tax on beverage containers to fund the preservation of state waters. *See id. In re 2009-2010 No. 91*, 235 P.3d at 1073. Separately, the measure prohibited the General Assembly from "altering the statutes currently governing" state agencies in charge of certain water issues "or from creating or empowering any other agency with authority to supersede or be superior to" those state agencies. *Id.* Proponents of 2009-2010 #91 included these

provisions in the same measure under the "broad stated purpose 'to protect and preserve the waters of the state.'" *Id.* at 1073.

This Court held that the provisions prohibiting the General Assembly from acting and granting significant new authority to certain state water agencies was a second subject. *Id.* at 1076. This Court reasoned that these provisions had no connection to the central purpose of imposing a new beverage tax to fund water conservation. *Id.* at 1079. Moreover, these provisions fundamentally altered the General Assembly's legislative authority and the authority of the state water agencies and thus were not implementing provisions. *See id.*

In contrast, here, Initiative #293 has a narrow purpose: to fund a new preschool program by reallocating state revenues from tobacco and nicotine products. Additionally, the banning reallocation provision is one of several available revenue sources created by reallocating tobacco-related tax revenues and thus is directly connected to the central purpose of funding the new preschool program with reallocated revenues. Further, unlike 2009-2010 #91, Initiative #293 does not alter, let alone fundamentally change, the legislative authority of a governmental body.

When viewing Initiative #293 through this lens, *2009-2010 No. 91* supports the Title Board's single-subject determination. *Id.* at 1076 ("An initiative may contain several purposes, but they must be interrelated to avoid violating the single-

subject requirement."). As the Court recognized in *2009-2010 No. 91*, if provisions are connected to the measure's central purpose, the "mere fact that a proposed constitutional amendment may affect the powers exercised by government under preexisting constitutional provisions does not by itself demonstrate that the proposal embraces more than one subject." *Id.* at 1077 (citing *In re 1999-2000 # 258(A)*, 4 P.3d at 1097-98) (provision impacting power of school boards did not create a second subject because provision was connected to central purpose of requiring public school students to be taught in English)).[4]

Furthermore, because Initiative #293 is a straightforward measure that reallocates various tobacco and nicotine-related revenues to fund a new preschool program, it does not present the voter-surprise problem posed by *2009-2010 No. 91*. The reallocation concept is clearly identified in the Titles and the banning reallocation provision is just one example of such a reallocation. Additionally, as the Title Board correctly reasoned, voters would not be surprised to learn that, if

[4] Like *2009-2010 No. 91*, the Objector's other authorities are inapposite. *See* Objector's Opening Br. at 11 (citing *In re Title, Ballot Title & Submission Clause for Proposed Initiative 2001-02 No. 43*, 46 P.3d 438, 448 (Colo. 2002) (finding additional subject where measure altered voters' legislative authority by prohibiting certain initiative petitions because this prohibition had no connection with, and was contrary to, the central purpose of liberalizing the initiative process).

their local government opts to ban the sale of a good that is currently taxed, the local government will forego state sales tax on that good.[5]

In sum, if Objector disagrees with the banning reallocation provision, she is free to make this an issue on the campaign trail. This provision does not, however, create a second subject, and therefore Initiative #293 should go to the voters to decide on the merits.

C. The Titles Succinctly and Accurately Describe the Measure and Are Not Misleading.

The Title Board dedicated significant time and consideration crafting straightforward titles that accurately capture Initiative #293's central features.[6] Objector does not contend that the language within the Titles is misleading or unfair. Instead, Objector asks the Court to send the Titles back to the Title Board to add two

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[5] Rehearing Before Title Board on Proposed Initiative 2019-2020 #293 (April 15, 2020, *available at* https://csos.granicus.com/MediaPlayer.php?view_id=1&clip_id=165 (discussion at 3:00:30-3:02:11) (addressing identical issues on 2019-2020 #293, board member Gelender explaining that concerns over additional length and complexity outweighed notice considerations because the banning allocation provision is not a central feature).

[6] Hearing Before Title Board on Proposed Initiative 2019-2020 #293 (April 1, 2020, *available at https://csos.granicus.com/MediaPlayer.php?view_id=1&clip_id=159* (discussion from 2:18:20-3:49:45); Rehearing Before the Title Board on Proposed Initiative 2019-2020 #293 (April 15, 2020), *available at* https://csos.granicus.com/MediaPlayer.php?view_id=1&clip_id=165 (discussion from 2:56:58-3:14:54).

categories of detail that would significantly and unnecessarily lengthen the Titles. However, the Title Board was well within its broad discretion in balancing notice and brevity requirements when it rejected Objector's two clear-title arguments, each of which is addressed in turn.

1. The Banning Reallocation Provision Is Not a Central Feature.

In her Opening Brief, Objector exaggerates the meaning and significance of this provision to inaccurately overstate the importance of this provision in an effort to frame it as a central feature that must be specifically identified and described in the Titles. As discussed above, Objector repeatedly characterizes the banning reallocation provision as altering local legislators' ability to legislate. Objector's Opening Br. at 7, 8, 10, 11, 12. In her clear title argument, Objector also continues to wrongly impute a punitive purpose behind the provision when its purpose is to preserve tax revenues for the new preschool program if the tax base for tobacco and nicotine products is eroded by future local bans. Objector's Opening Br. at 13 (referring to provision as a "penalty provision").

Objector also overstates the potential impact of the banning reallocation provision. As recognized by both Objector and Proponents below, the banning reallocation provision is a prospective provision that will apply to future local bans,

if any, of tobacco and nicotine products.[7] Consequently, Initiative #293 will not result in local jurisdictions losing cigarette tax revenue unless an additional step is taken to ban the sale of tobacco and nicotine products.[8] The Title Board reasoned that the contingent nature of this provision and the fact that local jurisdictions can assess the potential financial impacts prior to enacting a ban undermine Objector's contention that this provision is a central feature.[9]

Finally, Objector continues to overstate the breadth of the banning reallocation provision as applying to any form of regulation of tobacco and nicotine products, such as regulations against the sale to minors, from vending machines, or in packaging "other than the manufacturer's packaging." Objector's Opening Br. at 9-10. As the plain language makes clear, the proposed provision applies to "bans,"

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[7] Rehearing Before Title Board on Proposed Initiative 2019-2020 #293 (April 15, 2020, *available at* https://csos.granicus.com/MediaPlayer.php?view_id=1&clip_id=165 (discussion at 2:13:00-2:13:10) (Objector's counsel recognizing that provision applies to "future governmental action").

[8] As for the potential revenue at stake, the $8.8 million annual figure cited by Objector is the total collective amount for the hundreds of towns, cities, and counties in Colorado. Consequently, if a local government decided to ban the sale of tobacco and nicotine products, the revenue it would lose would be a very small fraction of the statewide $8.8 million. § 39-22-623(1)(a)(II)(A), C.R.S.

[9] Hearing Before Title Board on Proposed Initiative 2019-2020 #293 (April 1, 2020, *available at: https://csos.granicus.com/MediaPlayer.php?view_id=1&clip_id=159* (discussion at 3:40:55-3:41:30) (board member Gelender explaining that titles generally do not describe prospective features that are contingent on future action).

not to any form of regulation as Objector contends. R., p. 5, Proposed § 39-22-623(1)(a)(II)(A).

Aside from overstating the importance of the banning reallocation provision, Objector makes no attempt to balance her alleged notice concerns against the requirement that ballot titles be brief. Objector does not propose alternative language that would accurately describe the banning reallocation in a manner that is not misleading. In contrast, the Title Board spent significant time and energy going through this exercise.[10] After carefully weighing considerations of clarity and brevity, the Title Board determined that the banning reallocation provision is an implementing provision that does not need to be specifically identified and described in the Titles.[11] That decision was well within the broad discretion the Title Board enjoys in setting ballot titles.

[10] Rehearing Before Title Board on Proposed Initiative 2019-2020 #293 (April 15, 2020, *available at* https://csos.granicus.com/MediaPlayer.php?view_id=1&clip_id=165 (discussion at 3:01:04-:3:02:10) (weighing the detail and complexity that would be required to fairly and accurate summarize this provision against the limited benefit of additional notice).

[11] *Id.*

2. The Titles Succinctly and Fairly Describe that Initiative #293 Reallocates Revenue from Health-Related Programs.

Objector does not contend that the Title Board's succinct summary of programs affected by the reallocation of revenues is inaccurate. Objector's Opening Br. at 14-16. Rather, Objector amorphously argues that the Title Board erred when it elected not to significantly lengthen the Titles by "listing the names of several of the key programs affected." Objector's Opening Br. at 16. Objector does not precisely identify which programs she believes are the "key programs" or why those programs should be considered "key" programs. *Id.* Nor does Objector propose alternative language to describe these key programs because doing so would highlight the significant length that would require. *See id.* at 14-16.

Instead, Objector vaguely alludes to certain programs affected by one of four revenue sources reallocated by Initiative #293, i.e., the tobacco settlement funds. Objector's Opening Br. at 15 (identifying four programs affected by the reallocation of settlement funds). The Opening Brief fails to explain why these particular programs allegedly warrant identification in the Titles or whether their identification would remedy the alleged clear-title deficiencies. *See id.* While Objector is silent as to the criteria she used to flag these programs, it appears that she arbitrarily chose

a threshold percentage of the share of tobacco settlement funding as her sole barometer. *See id.*

The lack of any reasoned standard behind Objector calling out these particular programs reveals why the Title Board opted for a concise and accurate summary. Identifying all the affected programs would have rendered the Titles unreasonably long and useless as a "brief" summary of Initiative #293, as Colorado law requires. 1-40-106 (3)(b), C.R.S. Identifying only certain programs handpicked by Objector, while also adding significant length to the Titles, would have put the Title Board in the improper position of making blind value judgments as to which programs should or should not be identified.

Because the Title Board has considerable discretion in deciding what level of detail to put in ballot titles, Objector cannot cite a single case in which the Title Board erred by summarizing programs impacted by a measure's funding choices as opposed to identifying specific examples of such programs.[12] The only case

[12] Aside from case law, Object references, without any citations, an instance this cycle where the Title Board provided a description of a new program created by Initiative 2019-2020 #250. While this example has no precedential effect, it is also not persuasive. The proposed "out-of-school learning opportunities program" is the centerpiece of the Initiative 2019-2020 #250, but that is not a phrase that voters would readily know or understand, so the Title Board correctly provided examples of out-of-school learning opportunities for illustrative purposes. In contrast, here, the programs targeted for reallocation have no relationship to one another except that they are generally health-related programs that receive a portion of their funding

Objector cites in support of this clear-title argument is *In re Title, Ballot Title & Submission Clause for 2015-2016 #73*, 2016 CO 24. Objector's Opening Br. at 15-16. In that case, the measure made significant substantive changes to the recall process for elected officials without identifying or describing those changes. *Id.* at ¶¶ 25-31. The Court reasoned that these significant changes to state election law were central features that should be identified in the Titles. *Id.* at ¶ 32.

In contrast, here, not even Objector contends that the identity of specific programs impacted by the reallocation of revenues is a central feature of Initiative #293. Rather, the central feature at issue is that tobacco and nicotine-related revenues will be reallocated from certain health-related programs, which is exactly what the Titles describe. This Court has upheld the use of concise summaries such as that utilized by the Title Board, particularly where the alternate proposal is incomplete or otherwise misleading. *See In re Title, Ballot Title & Submission Clause for 1997-98 #62*, 961 P.2d 1077, 1082-83 (Colo. 1998) (affirming use of summary phrase, "establishing priorities for eligibility for [a tax] credit," instead of a more detailed description, in part, because objector's lengthier proposal was incomplete and potentially misleading). In *1997-98 #62*, this Court relied on the

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from tobacco and nicotine-related revenue sources, which is exactly what the Titles describe.

brevity requirement in concluding that the Titles did not need to specifically identify the tax credit priorities at issue. *Id.* The titles provided notice of the prioritization aspect, and voters could look to the Blue Book or the text of the measure itself for details on what those priorities were. *Id.*

Here, the Titles make no bones of the fact that certain health-related programs will lose funding. Voters can easily look to the Blue Book to understand precisely which programs will be impacted. Accordingly, the Title Board acted well within its broad discretion in using a concise and accurate summary to describe the impacted programs.

CONCLUSION

WHEREFORE, Proponents respectfully request that the Court deny the Petition and affirm the Title Board's title setting for Initiative #293.

Respectfully submitted this 20th day of May, 2020.

IRELAND STAPLETON PRYOR & PASCOE, PC

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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of May, 2020, a true and correct copy of the foregoing **RESPONDENTS' ANSWER BRIEF** was duly filed with the Court and served via CCEF upon the following:

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