

<p>Supreme Court, State of Colorado 2 East 14th Avenue Denver, CO 80203</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>Original Proceeding Pursuant to Colo. Rev. Stat. §1-40-107(2) Appeal from the Ballot Title Board</p>	
<p>In the Matter of Proposed Initiative 2021-2022 #89</p> <p>Petitioners: Michael Fields and Suzanne Taheri</p> <p>v.</p> <p>Ballot Title Setting Board: Eric Olson, Jeremiah Barry, and Theresa Conley</p> <p>and</p> <p>Respondent: Leanne Wheeler</p>	<p>Case Number:</p>
<p>Attorney for Petitioners: Suzanne M. Taheri, #23411 MAVEN LAW GROUP 1600 Broadway, Suite 1600 Denver, CO 80202 Phone Number: (303) 263-0844 Email: staheri@mavenlawgroup.com</p>	<p style="text-align: center;">PETITION FOR REVIEW OF FINAL ACTION OF THE BALLOT TITLE SETTING BOARD CONCERNING PROPOSED INITIATIVE 2021-2022 #89 (“CONCERNING ELIGIBILITY FOR PAROLE”)</p>

Petitioners Michael Fields and Suzanne Taheri, through undersigned counsel, hereby petition this Court pursuant to C.R.S. § 1-40-107(2) to review the actions of the Ballot Title Setting Board (“Title Board”) with respect to jurisdiction to set title for Proposed Initiative 2021-2022 #89.

STATEMENT OF THE CASE

A. Procedural History of Proposed Initiative

Proposed Initiative 2021-2022 #89 was filed with Legislative Council on March 11, 2022. Review and comment was conducted on March 25, 2022. Subsequent to review and comment, Proponents made changes to the initiative in response to review and comment which included a change to the language of the propose initiative, changing from “shall be eligible for parole” to “shall begin parole.”

Proponents filed for ballot title setting. A Title Board hearing was conducted on April 6, 2020. During that hearing, the Title Board made a technical correction to the text of the initiative, changing “shall begin parole” back to the original text, “shall be eligible for parole” and proceeded to set a ballot title based upon the new text.

Leanne Wheeler filed a Motion for Rehearing, stating that the Board lacked jurisdiction to set title on Proposed Initiative 2021-2022 #89 because the technical

correction that the Board made was a substantive change which should have required the proposed initiative to be submitted for a new review and comment hearing. At the April 20, 2022 rehearing, the Title Board reversed its initial decision, declining to set title and leaving the proponents without an option to pursue their initiative for the 2022 ballot.

B. Jurisdiction

Petitioners are timely requesting a review of the actions of the Title Board by the Supreme court pursuant to §1-40-107(2), C.R.S. (2021).

As required by §1-40-107(2), C.R.S. (2021), 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 determinations by the Title Board at its initial hearing on the Proposed Initiative on April 6, 2022; (3) the Fiscal Summary for the Proposed Initiative prepared by the Director of Research of the Legislative Council of the General Assembly pursuant to §1-40-105.5(1.5), C.R.S. (2021); (4) the Motion for Rehearing filed Respondent on April 13, 2022; and (5) the determinations by the Title Board at the rehearing on April 20, 2022.

GROUNDS FOR REVIEW

Petitioners respectfully submit that the Title Board erred as follows:

1. The Title Board should have allowed the proposed change as a technical correction.

The intent of the Proponents in drafting the initiative was clear throughout the process. The difference regarding a technical correction and a substantive change is not clearly defined in the law. The Board's inconsistency regarding what is a technical correction and what is substantive interfered with the Proponents' right to citizen initiative.

2. The Title Board erred when it guided the proponents toward making a technical correction and then subsequently reversed.

If the Title Board had refused to set the title when the initiative was initially presented on April 6, 2022, proponents could have submitted updated text to Legislative Council for review and comment. The April 20, 2022 rehearing took place after the 2022 filing deadline. The Board did not have authority to reverse its order. Therefore, the Board's decision to reverse title setting at that hearing effectively blocked the proponents from initiating the proposal for the 2022 election.

For the reasons listed above, the Court should order the Title Board to accept the version of the text that was amended with technical corrections and set title.

PRAYER FOR RELIEF

The proponents of Proposed Initiative 2021-2022 #89 are entitled to the right to initiate legislation without interference from the Title Board. The Board's inconsistency in allowing and then disallowing a technical correction so late in the cycle interfered with that right. Proponents request the following relief:

1. Find that the amendments made to the text in response to the Board's direction were technical corrections and not substantive enough to necessitate a new review and comment hearing.
2. Remand the technically corrected text to the Board for a finding on single subject and ballot title setting.

Respectfully submitted this 27th day of April, 2022

s/Suzanne Taheri
Suzanne M. Taheri, #23411
MAVEN LAW GROUP
1600 Broadway, Suite 1600
Denver, CO 80202
Phone Number: (303) 263-0844
Email: staheri@mavenlawgroup.com
Attorney for Petitioners

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of April, 2022, a true and correct copy of the **PETITION FOR REVIEW OF FINAL ACTION OF THE BALLOT TITLE SETTING BOARD CONCERNING PROPOSED INITIATIVE 2021-2022 #89 (“CONCERNING ELIGIBILITY FOR PAROLE”)** was served via the Colorado Court’s E-Filing System to the following:

Michael Kotlarczyk, Esq.
Colorado Attorney General’s Office
1300 Broadway, 6th Floor
Denver, CO 80203
Michael.kotlarczyk@coag.gov
Attorney for Title Board

Mark G. Grueskin, #14621
Recht Kornfeld, P.C.
1600 Stout Street, Suite 1400
Denver, Colorado 80202
303-573-1900 (telephone)
mark@rklawpc.com
Attorney for Respondent Leanne Wheeler

/s/ Suzanne Taheri

Suzanne Taheri

*Duly signed original on file at Maven Law
Group*



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 statement and abstract, motion for rehearing, and the rulings thereon of the Title Board for Proposed Initiative "2021-2022 #89 'Concerning Eligibility for Parole'"

..... **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 26th day of April, 2022.

Jena Griswold

SECRETARY OF STATE



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

SECTION 1. In Colorado Revised Statutes, 17-22.5-303.3, **amend** (1) and (2), and **add** (1.5) and (2.5) as follows:

17-22.5-303.3. Violent offenders – parole.

(1) Any person sentenced for second degree murder, first degree assault, first degree kidnapping, unless the first degree kidnapping is a class 1 felony, first or second degree sexual assault, first degree arson, first degree burglary, or aggravated robbery, committed on or after July 1, 1987, BUT BEFORE JANUARY 1, 2023, who has previously been convicted of a crime of violence, shall be eligible for parole after he has served seventy-five percent of the sentence imposed less any time authorized for earned time pursuant to section 17-22.5-302. Thereafter, the provisions of section 17-22.5-303 (6) and (7) shall apply.

(1.5) ANY PERSON CONVICTED AND SENTENCED FOR SECOND DEGREE MURDER; FIRST DEGREE ASSAULT; FIRST DEGREE KIDNAPPING, UNLESS THE FIRST DEGREE KIDNAPPING IS A CLASS 1 FELONY; SEX ASSAULT UNDER PART 4, ARTICLE 3 OF TITLE 18; FIRST DEGREE ARSON; FIRST DEGREE BURGLARY; OR AGGRAVATED ROBBERY, COMMITTED ON OR AFTER JANUARY 1, 2023, SHALL BE ELIGIBLE FOR PAROLE AFTER SUCH PERSON HAS SERVED EIGHTY-FIVE PERCENT OF THE SENTENCE IMPOSED UPON SUCH PERSON. THEREAFTER, THE PROVISIONS OF SECTION 17-22.5-303 (6) AND (7) SHALL APPLY.

(2) Any person sentenced BEFORE JANUARY 1, 2023, for any crime enumerated in subsection (1) of this section, who has twice previously been convicted for a crime of violence, shall be eligible for parole after he has served the sentence imposed less any time authorized for earned time pursuant to section 17-22.5-302. Thereafter, the provisions of section 17-22.5-303 (6) and (7) shall apply.

(2.5) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS TITLE 17, ANY PERSON SENTENCED ON OR AFTER JANUARY 1, 2023, FOR ANY CRIME ENUMERATED IN SUBSECTION (1.5) OF THIS SECTION, WHO HAS TWICE PREVIOUSLY BEEN CONVICTED FOR A CRIME OF VIOLENCE, SHALL BEGIN PAROLE AFTER HE HAS SERVED THE FULL SENTENCE IMPOSED. THEREAFTER, THE PROVISIONS OF SECTION 17-22.5-303 (6) AND (7) SHALL APPLY.

SECTION 2. In Colorado Revised Statutes, 17-22.5-403(2.5), amend (a) as follows:

17-22.5-403. Parole Eligibility.

(a) Notwithstanding subsection (1) of this section, any person convicted and sentenced for second degree murder, first degree assault, first degree kidnapping unless the first degree kidnapping is a class 1 felony, first degree arson, first degree burglary, or aggravated robbery, committed on or after July 1, 2004, BUT BEFORE JANUARY 1, 2023, shall be eligible for parole after such person has served seventy-five percent of the sentence imposed upon such person, less any time authorized for earned time granted pursuant to section 17-22.5-405.

SECTION 3. Effective Date.

This act takes effect on the date of the proclamation of the Governor announcing the approval, by the registered electors of the state, of the proposed initiative.

Ballot Title Setting Board

Proposed Initiative 2021-2022 #89¹

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

A change to the Colorado Revised Statutes concerning parole eligibility for an offender convicted of a violent crime, and, in connection therewith, requiring an offender who was convicted on or after January 1, 2023, of second degree murder; first degree assault; first degree kidnapping, unless the first degree kidnapping is a class 1 felony; sexual assault; first degree arson; first degree burglary; or aggravated robbery to serve eighty-five percent of the sentence imposed before being eligible for parole and requiring an offender convicted of any such crime on or after January 1, 2023, and who was previously convicted of two crimes of violence to serve the full sentence imposed before beginning to serve parole.

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

Shall there be a change to the Colorado Revised Statutes concerning parole eligibility for an offender convicted of a violent crime, and, in connection therewith, requiring an offender who was convicted on or after January 1, 2023, of second degree murder; first degree assault; first degree kidnapping, unless the first degree kidnapping is a class 1 felony; sexual assault; first degree arson; first degree burglary; or aggravated robbery to serve eighty-five percent of the sentence imposed before being eligible for parole and requiring an offender convicted of any such crime on or after January 1, 2023, and who was previously convicted of two crimes of violence to serve the full sentence imposed before beginning to serve parole?

Hearing April 6, 2022:

Single subject approved; staff draft amended; titles set.

The Board made a technical correction to the text of the initiative.

Board members: Theresa Conley, Jeremiah Barry, David Powell

Hearing adjourned 3:16 P.M.

¹ Unofficially captioned “Concerning Eligibility for Parole” by legislative staff for tracking purposes. This caption is not part of the titles set by the Board.

Ballot Title Setting Board

Proposed Initiative 2021-2022 #89¹

Hearing April 6, 2022:

Single subject approved; staff draft amended; titles set.

The Board made a technical correction to the text of the initiative.

Board members: Theresa Conley, Jeremiah Barry, David Powell

Hearing adjourned 3:16 P.M.

Rehearing April 20, 2022:

Motion for Rehearing: Granted (2-1, Conley dissented)

Title setting denied on the basis that the board lacked jurisdiction to set title on the grounds that substantial changes were made to the final draft after Review and Comment (C.R.S.1-40-105(2))

Board Members: Eric Olson, Jeremiah Barry, Theresa Conley

Hearing Adjourned: 9:16 am

¹ Unofficially captioned “Concerning Eligibility for Parole” by legislative staff for tracking purposes. This caption is not part of the titles set by the Board.

BEFORE THE COLORADO BALLOT TITLE SETTING BOARD

Leanne Wheeler, Objector,

vs.

Suzanne Taheri and Michael Fields, Proponents.

MOTION FOR REHEARING ON INITIATIVE 2021-2022 #89

Pursuant to C.R.S. § 1-40-107, Leanne Wheeler (“Objector”), registered elector of the State of Colorado, through undersigned counsel, objects to the Title Board’s title and ballot title and submission clause set for 2021-2022 #89 (“Initiative #89”), and states as follows:

The Board lacked jurisdiction to consider Initiative #89, as Proponents were required to resubmit it for review and comment, and the Board then exceeded its authority by allowing Proponents to substantively amend the final draft of Initiative #89 during the title setting hearing. Accordingly, the Title Board should grant this Motion and dismiss for lack of jurisdiction.

I. At hearing, the Board allowed Proponents to amend Initiative #89 by making a substantial change in the legal standard for persons convicted of certain crimes.

At the beginning of the title setting hearing for Initiative #89, a member of the Board noted that, after the review and comment hearing with the Offices of Legislative Council and Legislative Legal Services, Proponents amended subsection (1.5) of Section 1 to read “shall begin parole” instead of the original phrase “shall be eligible for parole” which revision is reflected by the amended version of Initiative #89 submitted by Proponents to the Board:

(1.5) ANY PERSON CONVICTED AND SENTENCED FOR SECOND DEGREE MURDER; FIRST DEGREE ASSAULT; FIRST DEGREE KIDNAPPING, UNLESS THE FIRST DEGREE KIDNAPPING IS A CLASS 1 FELONY; SEX ASSAULT UNDER PART 4, ARTICLE 3 OF TITLE 18; FIRST DEGREE ARSON; FIRST DEGREE BURGLARY; OR AGGRAVATED ROBBERY, COMMITTED ON OR AFTER JANUARY 1, 2023, SHALL ~~BE~~ ELIGIBLE FOR BEGIN PAROLE AFTER SUCH PERSON HAS SERVED EIGHTY-FIVE PERCENT OF THE SENTENCE IMPOSED UPON SUCH PERSON. THEREAFTER, THE PROVISIONS OF SECTION 17-22.5-303 (6) AND (7) SHALL APPLY.

Proponents asserted that they erred in amendment subsection (1.5), and that subsection (1.5) should have used the original language “shall be eligible for parole.” The Board treated Proponents’ mistake as a “grammatical change” or a “technical correction,” and it allowed Proponents to change subsection (1.5) back to the original phrase “shall be eligible for parole.”¹

¹ The relevant discussion can be found at 5:47:40 to 5:52:17 of the April 6 hearing, which is available at https://www.sos.state.co.us/pubs/info_center/audioBroadcasts.html.

The Board then designated and fixed the following ballot title and submission clause for Initiative #89:

Shall there be a change to the Colorado Revised Statutes concerning parole eligibility for an offender convicted of a violent crime, and, in connection therewith, requiring an offender who was convicted on or after January 1, 2023, of second degree murder; first degree assault; first degree kidnapping, unless the first degree kidnapping is a class 1 felony; sexual assault; first degree arson; first degree burglary; or aggravated robbery to serve eighty-five percent of the sentence imposed before being eligible for parole and requiring an offender convicted of any such crime on or after January 1, 2023, and who was previously convicted of two crimes of violence to serve the full sentence imposed before beginning to serve parole?

II. The Board lacked jurisdiction to consider Initiative #89 because Proponents were required to resubmit the Initiative for review and comment.

During the review and comment process, the Offices of Legislative Council and Legislative Legal Services did not comment on or question the use of “shall be eligible for parole” in subsection (1.5) of the original version of the Initiative.

The review and comment memorandum summarized the purpose of subsection (1.5) as providing that covered offenders must “serve eighty-five percent of the person’s sentence before the person *is eligible for parole.*” (Ex. 1, Review and Comment Mem. for 2021-2022 #89 at 2 (emphasis added).) During the review and comment hearing, the Proponents confirmed that staff accurately stated the purpose of the Initiative. (Mar. 22, 2022, Review and Comment Hr’g on 2021-2022 #89 at 10:03:20 to 10:04:32.²) Although questions were raised whether the original language in subsection (2.5) should be changed from “shall be eligible for parole” to “shall begin parole,” (*see id.* at 10:07:47 to 10:08:44.), no such issue arose with respect to subsection (1.5).

Proponents nonetheless amended subsection (1.5) from “shall be eligible for parole” to “shall begin parole.” This is a materially different standard for when an offender would serve parole: from a *discretionary* determination of parole eligibility to parole *as-of-right*. Changing the legal standard in an initiative and the corresponding authority of a governmental body is a “substantial amendment” to an initiative. *See In re Title, Ballot Title and Submission Clause, and Summary Approved February 12, 1992, with Regard to the Proposed Initiated Constitutional Amendment Concerning Limited Gaming in the Town of Idaho Springs [In re Town of Idaho Springs]*, 830 P.2d 963, 968 (Colo. 1992) (concluding that expanding the regulatory authority of a government agency is “substantial”).

Any amendments proponents make must be “*in direct response* to the comments of the directors” of the legislative offices. *Id.* (emphasis added). Proponents here do not contend that the change to subsection (1.5) was in direct response to the Review and Comment process. The

² The hearing recording is available at <https://sg001-harmony.sliq.net/00327/Harmony/en/PowerBrowser/PowerBrowserV2/20220322/-1/13053>.

Title Board hearing on April 6 made clear that the only suggested change to “begin” was as to a different portion of their measure, subsection (3.5). Thus, the change made was not in direct response to legislative staff and was therefore unauthorized. The Supreme Court has applied and upheld the “direct response” test where a specific question raised a change made by proponents. *In re Title, Ballot Title & Submission Clause for 2007-2008 #62*, 184 P.3d 52, 61 (Colo. 2008) (changes to initiative text conformed with statute where sponsors “made two changes to the measure to reflect the legislative staff’s concern about” a specified topic).

As this was a “substantial amendment” to the Initiative that was not directly responsive to the actual comments made at Review and Comment as to subsection (1.5), Proponents were statutorily required to “resubmit[]” Initiative #89 for review and comment. C.R.S. § 1-40-105(2); *see also* Colo. Const. art. V, sec. 1(5). Proponents claimed they did not mean to make this change, even though their language was drafted, amended, and filed by experienced counsel. Regardless, the statute plainly requires resubmission upon which the Board sets a title.

Even though its motive is well-intentioned, the Board’s decision to allow textual changes at hearing is a Pandora’s box. Based on this precedent, future proponents will ask for changes to their text they did not actually make in their filed documents. Pointing to a Review and Comment memo and a staff suggestion they allegedly meant to incorporate but did not, Proponents will be revising language that is supposed to be “final.” For example, given this Board’s April 20 agenda containing more than 50 initiatives for initial title setting, *see* Exhibit A, it is not hard to anticipate disruption to the entire initiative process and reasonable Title Board consideration of such proposals that this practice could effect. And it simply isn’t authorized by the legislature in the title setting statutes.

To make the change at issue here, Proponents did not resubmit Initiative #89 for review and comment as the Constitution and statutory procedure required, however, and instead improperly submitted it for title setting. As a result, the Board lacked jurisdiction to consider and set a title for Initiative #89. *See In re Town of Idaho Springs*, 830 P.2d at 968.

III. The Board lacked the authority to permit Proponents to substantively revise Initiative #89 outside of the constitutional and statutory procedures.

Colorado law limits the Board’s authority to setting the title for an initiative. Neither the Constitution nor the Colorado Revised Statutes provide the Board with authority to allow a substantive amendment to an initiative that has been filed with the Board.

Once the proponents of an initiative file their proposed initiative, the only opportunity to revise that initiative is as part of the review and comment process before the Offices of Legislative Council and Legislative Legal Services. *See* C.R.S. § 1-40-105. Even then, the ability of proponents to amend an initiative is limited to revisions in response to comments received during the review and comment process. C.R.S. § 1-40-105(2). If proponents make substantial amendments beyond the comments they received, they are required to resubmit the initiative for review and comment. *Id.*

Following the review and comment process, proponents submit to the Title Board “an original *final* draft that gives the *final* language.” *Id.* § 1-40-105(4) (emphasis added); *see also* § 1-40-102(4) (defining draft as an initiative’s “actual language”). The law limits the Board’s authority to setting the title for the measure. Neither the Constitution nor the applicable statute authorize the Board to allow amendments to the substance of a measure that has been submitted to it for title setting. *See* Colo. Const. art. V, sec. 1; C.R.S. § 1-40-106.

Assuming the Board can allow “non-substantive” or “grammatical” corrections to an initiative, that is not the case here. Proponents’ revision altered the substantive meaning of subsection (1.5): whether an inmate receives *automatic* parole (the text of the Initiative submitted by Proponents to the Board) or is subject to a *discretionary* parole determination (the amendment Proponents requested and approved by the Board). This is both a different legal standard for when parole is available and directly changes the authority of the parole board.

Furthermore, this was not a technical correction, or in the Board’s words, a grammatical one. “Grammar” means a “normative or prescriptive set of rules setting forth a standard of usage.” *American Heritage College Dictionary* 602 (2002). Stated only slightly differently, “grammar” is defined as “the study of the way the sentences of a language are constructed; morphology and syntax.” *See* www.dictionary.com/browse/grammar (last viewed April 11, 2022). In plain language, “Grammar is the way that words can be put together in order to make sentences.” www.collinsdictionary.com/us/dictionary/english/grammar-pattern. (last viewed April 11, 2022). As such, grammar deals with the structuring of clauses and sentences, such as matching a sentence’s subject(s) and verb(s) or determining whether and how words or groups of words modify one another within a sentence.

In contrast, “substantial” is “defined as something being of substance, important or essential.” *Denver Publishing Co. v. City of Aurora*, 896 P.2d 306, 313 n.11 (Colo. 1995) (citing *Webster’s Third New International Dictionary* 2280 (1986)). The difference between whether a person is simply “eligible for” parole or whether parole “begins” without any other eligibility determination is not one of “sentence structure” but instead unquestionably a matter of substance; it is important—even essential—to the incarcerated person, the parole board, and to society, and hence to voters.

Here, the Proponents did not ask the Board to change the final draft’s use of “begin” in subsection (1.5). Had the wording of the Proponents’ final draft not been flagged by one of the Board members, subsection (1.5)—using “begin”—would have been the basis for title setting, petition circulation, and potentially voter approval. *See* C.R.S. § 1-40-102(4) (an initiative “draft” is the proposed text of the initiative which, if passed, becomes the actual language of the constitution or statute”). The Board’s intention is generous, but its deviation from the process required by statute is unauthorized. *See In re Title Ballot Title & Submission Clause and Summary for 1997-98 #109*, 962 P.2d 252, 253 (Colo. 1998) (proponents’ failure to adhere to filing requirements by submitting multiple, changed versions of their initiative prevented Board from accepting jurisdiction for title setting).

Initiative proponents have a duty to file and abide by the required documents in order to invoke this Board’s jurisdiction. *See* C.R.S. § 1-40-106 (words the “actual language,” to be

submitted “on the twelfth day before meeting at which the draft is to be considered”). They are not at liberty to change the substance of their amended or final drafts at the beginning of title setting before the Board.

In fact, the Board here did not have a final or amended draft on which to base its title decisions; it only had a verbal indication that such language would be later filed. Nor did the public have the required notice of the substance for the title setting. *See In re Title, Ballot Title and Submission Clause, and Summary Approved April 20, 1994 and May 4, 1994, for the Proposed Initiated Constitutional Amendment Concerning the “Fair Treatment II,”* 877 P.2d 329, 333 (Colo. 1994) (public hearings before the Board “encourage testimony and suggestions as to what might be a fair and proper title and submission clause for a particular initiative”). This title setting based on something other than the actual initiative language is not authorized by any source of law – Constitution, statute, or case law.

The Board could not provide its own, informal avenue for correcting Proponents’ errors by allowing a substantive amendment to the final draft during the title setting hearing itself.

IV. The titles violate the clear title requirement.

After the “in connection therewith” clause, the titles use semicolons to separate the crimes that trigger the new limitations on parole.

Shall there be a change to the Colorado Revised Statutes concerning parole eligibility for an offender convicted of a violent crime, and, in connection therewith, requiring an offender who was convicted on or after January 1, 2023, of second degree murder; first degree assault; first degree kidnapping, unless the first degree kidnapping is a class 1 felony; sexual assault; first degree arson; first degree burglary; or aggravated robbery to serve eighty-five percent of the sentence imposed before being eligible for parole

Any voter trying to discern what is covered by the measure and what is not covered will be hard pressed to read the title easily and understand its meaning. These titles do not meet the statutory requirement that they “unambiguously state the principle of the provision sought to be added, amended, or repealed, C.R.S. 1-40-106(3)(b), and should be revised to do so.

WHEREFORE, the titles set April 6, 2022, for Initiative #89 should be reversed and dismissed for lack of jurisdiction or corrected to make them understandable..

RESPECTFULLY SUBMITTED this 13th day of April, 2022.

s/ Mark G. Grueskin
Mark G. Grueskin, #14621
Recht Kornfeld, P.C.
1600 Stout Street, Suite 1400
Denver, Colorado 80202
303-573-1900 (telephone)
mark@rklawpc.com

CERTIFICATE OF SERVICE

I, Erin Holweger, hereby affirm that a true and accurate copy of the Motion For Rehearing for Initiative 2021-2022 #89, was sent this 13th day of April, 2022, by electronic mail, to Proponents, Suzanne Taheri and Michael Fields, via their legal counsel, at:

Suzanne Taheri
Staheri@mavenlawgroup.com

s/ Erin Holweger

Exhibit A

Awaiting initial hearing

** Unofficial caption assigned by legislative staff for tracking purposes.*

- #80 Campaign Expenditure Limits* ▼ Details
- #93 Percentage of Utility Rates Paid by Investor-Owned Utilities* ▼ Details
- #96 Concerning Liquor Licenses* ▼ Details
- #97 Concerning Liquor Licenses* ▼ Details
- #100 Concerning Liquor Licenses* ▼ Details
- #101 Concerning Liquor Licenses* ▼ Details
- #102 Concerning Liquor Licenses* ▼ Details
- #103 Local Control of Property Tax Revenues* ▼ Details
- #104 Supplemental Tax on Luxury Residential Real Property* ▼ Details
- #106 New Fee Assessment on Luxury Residential Real Property* ▼ Details
- #108 Dedicated State Income Tax Revenue for Affordable Housing Programs* ▼ Details
- #109 Calculation of Excess State Revenues Cap* ▼ Details
- #110 Property Taxes* ▼ Details
- #112 Sales and Delivery of Alcohol Beverages* ▼ Details
- #113 Sales and Delivery of Alcohol Beverages* ▼ Details
- #114 Sales and Delivery of Alcohol Beverages* ▼ Details
- #115 Sales and Delivery of Alcohol Beverages* ▼ Details
- #116 Sales and Delivery of Alcohol Beverages* ▼ Details
- #117 Sales and Delivery of Alcohol Beverages* ▼ Details
- #118 Sales and Delivery of Alcohol Beverages* ▼ Details
- #119 Sales and Delivery of Alcohol Beverages* ▼ Details
- #120 Sales of Alcohol Beverages* ▼ Details
- #121 Sales of Alcohol Beverages* ▼ Details
- #122 Third-Party Delivery of Alcohol Beverages* ▼ Details
- #123 Third-Party Delivery of Alcohol Beverages* ▼ Details
- #124 Third-Party Delivery of Alcohol Beverages* ▼ Details
- #125 Third-Party Delivery of Alcohol Beverages* ▼ Details
- #126 Sales and Delivery of Alcohol Beverages* ▼ Details
- #127 Sales and Delivery of Alcohol Beverages* ▼ Details
- #128 Sales and Delivery of Alcohol Beverages* ▼ Details
- #129 Sales of Alcohol Beverages* ▼ Details
- #130 State Income Tax Rate Reduction* ▼ Details

- #131 Financial Assurance for Oil and Gas Operators* ▼ Details
- #132 Consumer Choice in Energy* ▼ Details
- #133 Consumer Choice in Energy* ▼ Details
- #134 Minimum Wage for Workers in Alcohol-Related Businesses* ▼ Details
- #135 Local Approval Requirement for Expanded Liquor License* ▼ Details
- #136 Colorado Independent Oil and Gas Commission* ▼ Details
- #137 Colorado Independent Oil and Gas Commission* ▼ Details
- #138 Minimum Wage for Employees of Certain Alcohol-Related Businesses* ▼ Details
- #139 Third-Party Delivery of Alcohol Beverages* ▼ Details
- #140 Concerning Property Valuation* ▼ Details
- #141 Concerning Property Valuation* ▼ Details
- #142 Concerning Property Valuation* ▼ Details
- #143 Concerning Property Valuation* ▼ Details
- #144 Concerning Property Valuation* ▼ Details
- #145 Concerning Property Valuation* ▼ Details
- #146 Concerning Property Valuation* ▼ Details
- #147 Concerning Property Valuation* ▼ Details
- #148 Concerning Property Valuation* ▼ Details
- #149 Concerning Property Valuation* ▼ Details
- #150 Concerning Property Valuation* ▼ Details
- #151 Concerning Property Valuation* ▼ Details

Copied from: <https://www.coloradosos.gov/pubs/elections/Initiatives/titleBoard/index.html>

(initiative list last viewed April 13, 2022)



Legislative
Council Staff

Nonpartisan Services for Colorado's Legislature

Initiative 89

Fiscal Summary

Date:	April 4, 2022	Fiscal Analyst:	Aaron Carpenter (303-866-4918)
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LCS TITLE: CONCERNING ELIGIBILITY FOR PAROLE

Fiscal Summary of Initiative 89

This fiscal summary, prepared by the nonpartisan Director of Research of the Legislative Council, contains a preliminary assessment of the measure's fiscal impact. A full fiscal impact statement for this initiative is or will be available at www.colorado.gov/bluebook. This fiscal summary identifies the following impact.

State expenditures. The initiative will increase state expenditures in future fiscal years to house offenders for longer periods in Department of Corrections facilities instead of releasing them on parole. According to the Department of Corrections, about 452 offenders on average are sentenced to prison for the offenses identified in the initiative and spend on average 15 to 23 years in prison. Actual costs will depend on the change to an offender's length of stay, which depend on numerous factors and cannot be estimated. For informational purposes, it currently costs \$55,717 per year to house an offender in prison and \$6,271 per year to supervise an offender on parole. The measure will apply to offenders convicted after passage of this measure, so the impacts on the correctional system under the measure would likely start in the mid-2030's and beyond, based on the average sentences for these offenses.

Economic impacts. Longer prison sentences will reduce workforce participation, which may reduce economic activity from labor and spending and may increase government spending on prisons and social welfare programs. To the extent that the initiative decreases criminal activity, those otherwise impacted by crime may experience better economic outcomes.