

<p>SUPREME COURT OF COLORADO 2 East 14th Ave. 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 the Title, Ballot Title, and Submission Clause for Proposed Initiative 2023-2024 # 21 (“Limitation on Property Tax Increases”)</p> <p>Petitioners: Dianne Criswell</p> <p>v.</p> <p>Respondents: Suzanne Taheri and Steven Ward</p> <p>and</p> <p>Title Board: Theresa Conley, Eric Meyer, Ed DeCecco</p>	
<p>Attorneys for Petitioner:</p> <p>Nathan Bruggeman, #39621 Mark G. Grueskin, #14621 Recht Kornfeld, P.C. 1600 Stout Street, Suite 1400 Denver, Colorado 80202 303-573-1900 (telephone) 303-446-9400 (facsimile) nate@rklawpc.com mark@rklawpc.com</p>	<p>Case Number:</p>
<p style="text-align: center;">PETITION FOR REVIEW OF FINAL ACTION OF BALLOT TITLE SETTING BOARD CONCERNING PROPOSED INITIATIVE 2023-2024 #21 (“LIMITATION ON PROPERTY TAX INCREASES”)</p>	

Dianne Criswell (“Petitioner”), registered elector of the County of Denver and the State of Colorado, through undersigned counsel, respectfully petitions this Court pursuant to C.R.S. § 1-40-107(2), to review the actions of the Title Setting Board with respect to the title, ballot title, and submission clause set for Initiative 2023-2024 # 21 (“Limitation on Property Tax Increases”).

STATEMENT OF THE CASE

A. Procedural History of Proposed Initiative 2023-2024 #21.

Suzanne Taheri and Steven Ward (hereafter “Proponents”) proposed Initiative 2023-2024 #21 (the “Proposed Initiative”). Review and comment hearings were held before representatives of the Offices of Legislative Council and Legislative Legal Services. Thereafter, Proponents submitted final versions of the Proposed Initiative to the Secretary of State for purposes of submission to the Title Board, of which the Secretary or her designee is a member.

A Title Board hearing was held on April 5, 2023, at which time titles were set for 2023-2024 #21. On April 12, 2023, Petitioner Dianne Criswell filed a Motion for Rehearing, alleging that Initiative #21 contained multiple subjects, contrary to Colo. Const. art. V, sec. 1(5.5), and that the Title Board set titles which are misleading and incomplete as they do not fairly communicate the true intent

and meaning of the measure and will mislead voters. The rehearing was held on April 19, 2023, at which time the Title Board denied the Motion for Rehearing.

B. Jurisdiction

Petitioner is entitled to review before the Colorado Supreme Court pursuant to C.R.S. § 1-40-107(2). Petitioner timely filed the Motion for Rehearing with the Title Board. *See* C.R.S. § 1-40-107(1). Additionally, Petitioner timely filed this Petition for Review within seven days from the date of the hearing on the Motion for Rehearing. C.R.S. § 1-40-107(2).

As required by C.R.S. § 1-40-107(2), attached to this Petition for Review are certified copies of: (1) the draft, amended, and final version of the initiative filed by the Proponents; (2) the original ballot title set for this measure; (3) the Motion for Rehearing filed by the Petitioner; and (4) the ruling on the Motion for Rehearing as reflected by the title and ballot title and submission clause set by the Board. Petitioner believes that the Title Board erred in denying certain aspects of the Motion for Rehearing. The matter is properly before this Court.

GROUND FOR APPEAL

The titles set by the Title Board violate the legal requirements imposed on the Board because the Initiative contains multiple subjects, in violation of Colo. Const. art. V, sec. 1(5.5), and the title set by the Board violate the “clear ballot

title” requirement by omitting critical elements of the measure and will mislead voters. The following is an advisory list of issues to be addressed in Petitioner’s brief:

1. Whether the Title Board lacked jurisdiction because the inclusion of a standalone authorization for the General Assembly to retain and spend \$100 million annually on fire protection reimbursements is separate and distinct from the measure’s single subject of capping annual increases in property tax revenues by 3 percent such that it violates the single subject requirement.

2. Whether the title set by the Title Board violates the clear title requirement because the use of the word “offset” to describe the authorization to retain and spend funds on fire protection efforts is inaccurate and misleading because the authorization is not an offset to any loss of revenue that may result from the 3 percent cap on increases in property tax revenues.

3. Whether the title set by the Title Board violates the clear title requirement because the title’s description of requiring reappraisals of a property after its use changes or its square footage increases by more than 10 percent is not “an exception” to the measure’s 3 percent cap on increases in property tax revenues.

PRAYER FOR RELIEF

Petitioner respectfully requests that, after consideration of the parties' briefs, this Court determine that the titles are legally flawed, and direct the Title Board to return the initiative to the designated representative for lack of jurisdiction, due to violation of the constitutional single subject requirement, or, in the alternative, to correct the title to address the deficiencies outlined in Petitioner's briefs.

Respectfully submitted this 26th day of April, 2023.

s/ Nathan Bruggeman

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Mark G. Grueskin, #14621

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ATTORNEYS FOR PETITIONERS

CERTIFICATE OF SERVICE

I, Kate Sorice, hereby affirm that a true and accurate copy of the **PETITION FOR REVIEW OF FINAL ACTION OF BALLOT TITLE SETTING BOARD CONCERNING PROPOSED INITIATIVE 2023-2024 #21 (“LIMITATION ON PROPERTY TAX INCREASES”)** was sent electronically via Colorado Courts E-Filing this day, April 26, 2023, to the following:

Counsel for the Title Board:
Michael Kotlarczyk
Office of the Attorney General
1300 Broadway, 6th Floor
Denver, CO 80203

And by U.S. mail, first class postage prepaid, to:

Proponents:
Suzanne Taheri & Steven Ward
6501 E. Belleview Ave, Suite 375
Denver, CO 80111

/s Kate Sorice _____