

Bond Case Briefs

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BALLOT INITIATIVES - COLORADO

Matter of Title , Ballot Title and Submission Clause for 2017-2018 #4

Supreme Court of Colorado - May 30, 2017 - P.3d - 2017 WL 2333119 - 2017 CO 57

Registered electors sought review of Title Board's decision to grant single-subject approval, to set a title, and to approve an abstract for a proposed ballot initiative to limit housing growth.

The Supreme Court of Colorado held that:

- Proposed ballot initiative contained a single subject as constitutionally required, and
- As matter of first impression, the statute on procedure for reviewing Title Board's abstracts for proposed ballot initiatives authorizes the Supreme Court to review the Board's final decision on an abstract.

Proposed constitutional initiative that gave local governments the right to limit housing growth by initiative and referendum, prohibited permits for new residential housing in ten jurisdictions for one year, and limited housing growth to 1% annually in the same jurisdictions for two calendar years, after which time the growth limitation could be amended or repealed by initiative and referendum, contained a single subject, as constitutionally required for initiatives. Provisions were interrelated and necessarily and properly connected to the subject of limiting housing growth in the state, proposed initiative did not simultaneously add to, repeal, replace, and preempt existing constitutional and statutory provisions, and proposed initiative's plain language was not confusing.

Sufficient basis existed for Title Board's approval of the abstract for a proposed constitutional ballot initiative on limiting housing growth, despite argument that the fiscal impact abstract did not include any hard numbers or other quantitative data, where a legislative council representative testified at the rehearing before the Board that it simply was not possible to provide quantitative estimates for the effects of the initiative since there was no way to predict which jurisdictions would exercise the new right under the initiative to limit housing growth or choose to keep the 1% growth limit contained in the initiative.