

Bond Case Briefs

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REFERENDA - COLORADO

Matter of Title

Supreme Court of Colorado - December 23, 2019 - P.3d - 2019 WL 7043179 - 2019 CO 107

Voters who objected to ballot title and proponents of proposed constitutional ballot initiative to repeal the Taxpayer's Bill of Rights (TABOR) petitioned for review of Ballot Title Setting Board's denial of voters' motions for rehearing and partial grant of proponents' motion for rehearing of Board's decision to set title, ballot title, submission clause, and adopt abstract for the initiative.

The Supreme Court held that:

- Ballot title satisfied state constitution's clear title requirements;
- Phrase "Taxpayer's Bill of Rights" used in title was not an impermissible catch phrase; and
- Abstract was not misleading.

Title for proposed ballot initiative, which read in part, "An amendment to the Colorado constitution concerning the repeal of the Taxpayer's Bill of Rights (TABOR)," satisfied state constitution's clear title requirements; title was clear, neutral, and fairly and accurately indicated the proposed initiative's intent and meaning, such that title allowed voters, familiar or not with subject matter of the proposal, to determine intelligently whether to support the proposal.

Phrase "Taxpayer's Bill of Rights," as used in title of proposed initiative that would repeal in its entirety the section of state constitution known as the Taxpayer's Bill of Rights (TABOR), was not an impermissible catch phrase; phrase was descriptive and informative based on common understanding of the words used, and use of the name of the provision that initiative would repeal contributed to a voter's rational comprehension of the proposed initiative, and did not trigger a favorable response or bias voters.

Abstract for a proposed constitutional ballot initiative to repeal state constitution's Taxpayer's Bill of Rights (TABOR), which provided that measure was expected to increase revenue and spending for state and local governments, shifting a portion of state's economy from private sector to the public sector, complied with statutory directive for such abstracts and was not misleading; abstract properly set out the proposed initiative's expected impact on government revenue and spending, as well as the economic impact expected to result, and moreover, it was not deficient, despite argument that it contained no evidence, testimony, or information.