

Bond Case Briefs

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BALLOT INITIATIVE - COLORADO

Colorado v. Griswold

United States Court of Appeals, Tenth Circuit - April 26, 2024 - 99 F.4th 1234

Organization and individuals who sponsored two tax reduction ballot measures, which were subject to recently enacted Colorado law that required the title of citizen-initiated ballot measures containing a tax change to incorporate a phrase stating the change's impact on state and local funding priorities, brought action against Secretary of State of Colorado alleging the law unconstitutionally compelled their political speech.

The United States District Court for the District of Colorado denied plaintiffs' motion for a preliminary injunction, and they appealed.

The Court of Appeals held that Colorado's titling system for citizen-initiated ballot measures was government speech, and thus, the titles did not unconstitutionally compel plaintiffs' political speech.

Colorado's titling system for citizen-initiated ballot measures, pursuant to which the titles of proposed ballot measures to limit property tax increases and reduce sales and use tax rates stated the impact of the proposed measures on state and local funding priorities, qualified as government speech under First Amendment, and thus, the titles did not unconstitutionally compel the political speech of the sponsors of the measures; Colorado Ballot Title Setting Board had existed and set ballot titles in similar manner for over 80 years, which reflected government's substantial control over initiative titles and its legitimate interest in providing standardized process for presenting measures to voters, and disclaimer shown immediately above ballot titles indicated the language was designated and fixed by the Board.