

<p>SUPREME COURT OF COLORADO 2 East 14th Avenue Denver, Colorado 80203</p>	<p>DATE FILED March 23, 2026 5:05 PM</p>
<p>Original Proceeding Pursuant to C.R.S. § 1-40-107(2)</p> <p>Appeal from the Colorado Ballot Title Setting Board</p> <p>Petitioners: Michael Fields, Michael Hancock, Rebecca Sopkin, and the TABOR Foundation</p> <p>v.</p> <p>Respondents: Chris deGruy Kennedy and Kiyana Newell</p> <p>and</p> <p>Colorado Ballot Title Setting Board: Theresa Conley, Christy Chase, and Kurt Morrison.</p>	<p>▲ COURT USE ONLY</p>
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<p align="center">PETITIONER HANCOCK'S ANSWER BRIEF</p>	

CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with all requirements of C.A.R. 28 or C.A.R. 28.1, and C.A.R. 32, including all formatting requirements set forth in these rules. Specifically, the undersigned certifies that:

The brief complies with the applicable word limits set forth in C.A.R. 28(g) or C.A.R. 28.1(g).

It contains 5698 words (principal brief does not exceed 9,500 words; reply brief does not exceed 5,700 words).

The brief complies with the standard of review requirements set forth in C.A.R. 28(a)(7)(A) and/or C.A.R. 28(b).

For each issue raised by the appellant, the brief contains under a separate heading before the discussion of the issue, a concise statement: (1) of the applicable standard of appellate review with citation to authority; and (2) whether the issue was preserved, and, if preserved, the precise location in the record where the issue was raised and where the court ruled, not to an entire document.

In response to each issue raised, the appellee must provide under a separate heading before the discussion of the issue, a statement indicating whether appellee agrees with appellant's statements concerning the standard of review and preservation for appeal and, if not, why not.

I acknowledge that my brief may be stricken if it fails to comply with any of the requirements of C.A.R. 28 or 28.1, and C.A.R. 32.

/s/ David B. Meschke

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Petitioner Michael Hancock, through undersigned counsel, submits his Answer Brief in this original proceeding challenging Title Board's actions to set title on Initiatives #191, 195, and 196.

SUMMARY OF THE ARGUMENT

Petitioner Hancock argued in his Opening Brief two novel issues for this Court: (1) whether proponents can “repeal” a constitutional provision and avoid the 55% vote threshold for constitutional amendments even if the stricken language leaves the remaining provision disjointed and incomprehensible; and (2) whether statutory title requirements for measures increasing individual income tax rates must be followed even if doing so misleads voters and exacerbates the risks of logrolling and voter surprise in violation of the constitutional single-subject and clear title requirements. Respondents and Title Board, however, barely even mention these arguments in their Opening Briefs, despite Petitioner raising them repeatedly during the Title Board process. Rather than address the merits, Respondents argue without support that this second novel issue must be raised outside the context of a title board appeal.

Title Board and Respondents instead principally argue the Initiatives' distinct and separate aspects are "necessary and proper" to their central purpose and thus do not violate the single-subject requirement. But even they do not agree on the Initiatives' primary purpose—a clear sign the Initiatives contain multiple subjects. And neither of them actually describe how the Initiatives' various features and provisions are necessary to effectuate this purpose, whatever that may be. These disparate features include repealing the constitutional flat tax requirement, implementing a graduated income tax system on all earners, raising and lowering taxes, providing that revenue from new taxes may be spent by the state, setting current levels of appropriations to certain social programs as a floor, and dedicating the tax revenue to these popular programs at levels set per the legislature's discretion.

In making these arguments, Title Board and Respondents ignore significant logrolling and voter surprise risks and discount that implementing a whole new income tax system is a significant change that must be presented to voters on its own merits. They also brush aside that the titles fail to address key provisions in the Initiatives. If these titles

are left untouched, they will give voters the distinct impression they are voting to raise taxes on millionaires to fund specific popular social programs in a targeted and rational manner.

To avoid the possibility that Colorado voters inadvertently make significant constitutional changes and pass a new income tax system based on false impressions, Title Board's decision to deny Petitioner's Motion for Rehearing should be reversed.¹

ARGUMENT

I. Neither Respondents nor Title Board addressed the two novel arguments raised by Petitioner.

Neither Title Board nor Respondents substantively address in their Opening Briefs the two novel issues raised by Petitioner Hancock: (1) the Initiatives skirt the 55% vote threshold standard by striking

¹ Title Board bizarrely claims this Court should reject Petitioner's arguments because he filed petitions for review for Initiatives #191 and #196 a day late. Petitioner timely filed his petitions for Initiatives #191 and #196 on February 11, 2026. (See **Exhibits 1** and **2**.) The Court subsequently rejected Petitioner's filings because a different petitioner filed first, as is common in title board appeals. He refiled them into that petitioner's case number the following day. Notably, although Petitioner Sopkin similarly refiled her petitions a day later, Title Board does not argue Petitioner Sopkin filed late.

constitutional language in a vague, confusing, and incomprehensible manner, and (2) the inherent conflict between the constitutional single subject and clear title requirements, on the one hand, and the statutory title requirements for measures proposing to raise or lower income taxes, on the other.² Although Petitioner expects they will address these issues in their Answer Briefs, their failure to do so in their Opening Briefs is telling, especially considering Petitioner raised these issues before Title Board and listed them in his Petitions for Review.

² To the extent Respondents or Title Board argue these issues were not preserved, Petitioner preserved both on multiple occasions. (Initiative #191 Pet. for Review, Ex. 1 at 26–27, 30; Initiative #195 Pet. for Review, Ex. 1 at 21, 25–26; Initiative #196 Pet. for Review, Ex. 1 at 21, 25–26), and at the rehearing, (*see generally* Title Board Rehearing (Feb. 4, 2026); Title Board Rehearing (Dec. 17, 2025)). Both issues were explicitly contained within Petitioner’s Issues for Review in his Petitions for Review. Petitioner also preserved these arguments in his Motion for Rehearing on proposed Initiative #181, incorporated by reference in his Motions for Rehearing on Initiatives #191, #195, and #196. Because the Motion for Rehearing for Initiative #181 is not included within the certified packet attached to his Petitions for Review, Petitioner attaches it as **Exhibit 3**.

A. To avoid the 55% vote threshold, the Initiatives strike language resulting in a vague, confusing, and incomprehensible constitutional provision.

As explained in Petitioner Hancock’s Opening Brief, the Initiatives deliberately and haphazardly strike certain words in Section 20(8)(a) of TABOR, rendering the resulting provision so vague, confusing, and incomprehensible that no voter can understand what it means. (Pet’r’s. Opening Br. at 14–20.) Initiative #191 proposes the following repeal: “Any income tax law change after July 1, 1992 shall also require ~~all taxable net income to be taxed at one rate, excluding refund tax credits or voter approved tax credits, with~~ no added tax or surcharge.” Initiatives ##195–196 strike the same provision in a different way: “Any income tax law change after July 1, 1992 shall also require all taxable net income to be taxed ~~at one rate, excluding refund tax credits or voter approved tax credits, with~~ no added tax or surcharge.” In either instance, Respondents leave a fragmented and ambiguous sentence divorced from the provision’s original context and intent.

As Respondents have acknowledged, these illogical strike-throughs were deliberately made to avoid adding language and triggering the 55%

threshold for constitutional amendments under Raise the Bar. (*See* Title Board Rehearing, at 2:12–2:13, <https://tinyurl.com/28a9ce3p> (Feb. 4, 2026).) This evasion is evident even without Respondents’ admission because all Respondents needed to do was add a few words so that the constitutional provision makes sense. Even Title Board mistakenly refers to Respondents’ strike-throughs on multiple occasions as a “constitutional amendment.” (Title Board Opening Br. at 22–23.) But, instead of adding language to TABOR, Respondents seek a loophole that would allow their significant changes to the Colorado constitution and the state’s income system to pass with a simple majority.

Moreover, analyzing this disjointed constitutional provision is not about predicting its application, as both Respondents and Title Board contend. For constitutional provisions, accuracy is particularly important. Unlike statutory provisions, the legislature cannot later amend a constitutional provision to add clarity. Thus, the confusing, disjointed constitutional provision would be binding law unless voters later amend it.

This Court has not yet addressed the novel issue of whether a measure that strikes constitutional language but leaves the resulting provision unintelligible may nevertheless obtain a title. But this Court has been clear in the past—incomprehensible measures deprive Title Board of jurisdiction to set title. *See In re Title, Ballot Title & Submission Clause for 2015-2016 #73*, 369 P.3d 565, 568 (Colo. 2016) (clear title standard requires titles that “allow voters, whether or not they are familiar with the subject matter of a particular proposal, to determine intelligently whether to support or oppose the proposal”). This Court should similarly hold Title Board lacked jurisdiction to set title.

B. Applying statutory title requirements to the Initiatives highlights the multiple subjects and creates misleading titles.

This Court also has never addressed the inherent conflict between recently-adopted statutory requirements for titles of certain ballot measures and constitutional single subject and clear title requirements when applied to measures such as the Initiatives. Specifically, the

inclusion of a statutorily required table³ showing proposed changes to the individual income tax rate, without providing a similar table for corporations, trusts, and estates, impermissibly causes logrolling and voter surprise and leads to a misleading title.

Rather than address this argument directly, Respondents raise a red herring and contend “the proper vehicle for addressing these issues would be an independent action – not a Title Board proceeding or review of that proceeding by this Court under § 1-40-107, C.R.S.” (Resp’ts’ Opening Br. at 11.) Petitioner Hancock, though, has consistently challenged the statutory requirements on single-subject and clear title grounds, which is proper under Section 1-40-107(1)(b). This is akin to an as-applied challenge based on the specific nature of the Initiatives; not a facial challenge to the statutory requirements themselves.

Respondents further argue that because the Initiatives apply the graduated income tax structure to all categories of earners—including

³ Colorado law requires “[a] ballot title for a measure that either increases or decreases the individual income tax rate must, if applicable, include the table created for the fiscal summary pursuant to section 1-40-105.5 (1.5)(a)(V).” C.R.S. 1-40-106(3)(j).

individuals, large corporations, small LLCs, trusts, and estates—this coupling of individual income tax with income tax for corporations is already (and currently) required by the Colorado Constitution, thus presenting no single-subject concern. (*See* Resp’ts’ Opening Br. at 6 (expressing that the Initiatives “preserve the current practice of applying the same income tax rate to all persons and entities” and thus do not violate the single subject requirement).) Title Board takes a similar position. (Title Board’s Opening Br. at 20–21.)

Respondents and Title Board miss the point. It is true the statutory portions of the Initiatives do not, for example, impose a 5% income tax on individuals making \$100,000 and a 7% income tax on corporations with the same income. The Initiatives preserve the “coupling” of individual income tax with income tax for other earners only in this narrow sense when viewed by income amount. But the Initiatives do much more. Not only are Respondents and Title Board comparing apples (a flat tax) with oranges (a graduated income tax) but their arguments ignore that the Initiatives decouple the individual income tax from the income tax on other earners by striking language in TABOR. Removing the

constitutional requirement that all earners be “taxed at one rate” opens the door to impose differing rates on various categories of earners. (*See* Title Board’s Opening Br. at 24 (“ . . . [R]epealing [TABOR’s uniform income tax rate] necessarily eliminates the requirement that the State tax individuals and corporations uniformly.”))

Respondents’ decision to impose a graduated income tax on each category of earners allows the Initiatives to uniquely exploit statutory title requirements for measures increasing or decreasing income tax rates. C.R.S. § 1-40-106(3)(j) mandates including a table showing the impact the measure would have on individuals by income bracket in the title but requires no comparable table for other earners, which amplifies the already existing risks of logrolling and voter surprise.

By altering the income tax rates for all earners, the Initiatives already seek to attract disparate groups of people (*e.g.*, voters that may want to increase taxes on millionaires, but not on small businesses) that would not vote for the Initiatives’ various subjects alone. The tables escalate this logrolling risk. Voters are likely to focus on the income tax impacts on individuals described in the tables, and make their decision

based on whether they agree with those changes. Therefore, if one of the Initiatives were to pass, the proposed graduated income tax on other earners would do so on the coattails of voters' preferences on the individual income tax changes, not on its merits. *See In re Matter of Title, Ballot Title, and Submission Clause for 2013-2014 #76*, 333 P.3d 76 (Colo. 2014) (“[T]he single subject limitation applicable to initiatives prevents the proponents from combining multiple subjects to attract a ‘yes’ vote from voters who might vote ‘no’ on one or more of the subjects if they were proposed separately.”); *In re Title, Ballot Title for 2015-2015 #132*, 374 P.3d 460, 468 (Colo. 2016) (holding the initiative created a danger of logrolling where it may attract a “yes” vote from voters on one aspect of the measure but who might oppose the other aspect of the measure).

The Initiatives will also lead to voter surprise. Neither the text of the Initiatives nor the title make clear the graduated tax system proposed will apply not only to millionaires, but small businesses, which can be C-corporations, limited liability companies, or other types of entities, as well as trusts and estates. Because the Initiatives' titles do not describe *at all* how the income tax rates would change for or impact

other earners, many voters would be more than surprised by the changes if one of the Initiatives were to pass.

Moreover, neither Respondents nor Title Board adequately address the unclear and misleading titles resulting from the statutorily required inclusion of the individual income tax tables. According to Title Board, the inclusion of language in the title referencing the Initiatives' impact on small businesses, trusts, and estates constitutes mere "particularity" that need not be included in the title language. (Title Board's Opening Br. at 30–31.) Worse, Title Board argues because "[t]he table follows the initiative's title language, which notes that the table identifies 'the estimated change in income taxes owed by individuals[,]'" the title "is sufficiently clear and will not mislead voters." (*Id.* at 33–34.) Such an argument presupposes that if a measure follows a *statutory* title requirement, then it necessarily must meet the *constitutional* clear title requirement. *See* COLO. CONST. art V, § 1(5.5). The Colorado Constitution has supremacy over state statutes.

Respondents, on the other hand, raise another red herring, stating that because "Petitioners have not identified any harm that they have

suffered through the inclusion of [the] table” its inclusion does not violate clear title requirements. (Resp’ts’ Opening Br. at 11.) Respondents should know an objector need not establish harm to themselves to raise a clear title argument. The inquiry is whether the titles are misleading and would harm *voters*.

To clarify, voters would be misled if they extrapolated from table that the impact on corporations, trust, and estates would be similar or the same. While the Initiatives impose the same *rates* under the proposed graduated income system across earners, the tables do not accurately represent how the measure will impact these other earners. The tables are based on “adjusted gross income,” which *does not even exist* for corporations. Instead, corporations can have either a “total income” or even a “total loss.” In addition, the calculation of an individual’s adjusted gross income is completely different than calculating the total income of a corporation due to deductions and other factors. For example, individuals may claim a subtraction from federal taxable income for contributions they make during the tax year to a qualified state tuition program established by CollegeInvest, which is not available to

corporations. Simply put, not only would the starting place be different in a table for corporations (*i.e.*, total income, as opposed to adjusted gross income), but the numbers in the table would be different as well.

Accordingly, Title Board lacked jurisdiction to set title for the Initiatives. At the very least, should the Court decide Title Board had jurisdiction, the titles must be remanded to Title Board to alleviate the significant concerns detailed above.

II. The Initiatives do not meet Colorado's single-subject requirement.

The Initiatives impermissibly contain multiple subjects. Perhaps the best evidence of this is even Respondents and Title Board cannot agree on the Initiatives' single subject.

Respondents have stated the Initiatives' single subject is "to create a graduated income tax structure in the state of Colorado and, in connection therewith, eliminate the constitutional requirement in the Colorado Constitution that all income be taxed at one rate, to allow any excess revenue generated by the new graduated tax structure to be retained and spent, to specify the intended uses of that excess revenue, and to require an audited report to the public of the amounts and uses of

this excess revenue.” (Review & Comment Hearing (Jan. 6, 2026).) They still describe the single subject in this way in their Opening Brief, but also characterize the single subject as “the adoption of a graduated income tax structure.” (Resp’ts’ Opening Br. at 3, 7.)

According to Title Board, however, the single subject of the Initiatives is “to improve public school education, health care, and child care by replacing the uniform state income tax rate with a graduated income tax structure.” (Title Board’s Opening Br. at 13.) Title Board’s single subject characterizes the graduated tax income structure as merely incidental to the measure’s purported purpose—improving education, health care, and child care. This is in stark contrast to how Respondents have consistently characterized the measure—as a graduated income tax structure with an incidental impact on education, health care, and child care. (*See generally* Title Board Rehearing (Feb. 4, 2026); Title Board Rehearing (Dec. 17, 2025)).

A. The additional subjects contained in the Initiatives are not necessarily and properly connected to their purposes.

As this Court recently articulated in *In re Title, Ballot Title & Submission Clause for Proposed Initiative 2025-2026 #158*, 2026 CO 13, ¶ 23, a measure’s features must be “necessary to effectuate the [central] purpose of [the] Initiative.” Here, the Initiatives contain multiple provisions divorced from their central purpose.

According to Title Board, “[e]ach of the initiative’s provisions are ‘necessarily and properly connected’ and effectuate [their] single purpose.” (Title Board’s Opening Br. at 13 (citing *In re 2015-2016 #73*, 369 P.3d at 568).) Title Board describes the Initiatives’ structure in a manner akin to a waterfall, with each Section building upon and necessary to effectuate the other. Accordingly, under this argument, each separate aspect of the measure is necessarily and properly connected.

To the contrary, the Initiatives do not create an integrated graduated income tax system with logically connected elements, but instead create a disjointed and incongruous structure with various elements distinct from the overall goal of the measures. This distinction

is even more prevalent when you compare the actual language of the measure to Title Board's stated purpose: improving certain public services by replacing the uniform state income tax rate with a graduated income tax structure. If that actually is the single subject, then the Initiatives fail to accomplish that goal because whether the funds from the increased taxes are actually appropriated to each of the public services is entirely within the legislature's discretion. And as described in Petitioner Hancock's Opening Brief, (Petr. Hancock's Opening Br. at 30–43), and below, each of the measure's sections, implicating different policy goals, constitutes a separate and distinct subject. *See In re Title, Ballot Title, Submission Clause for 2009–2010 No. 91*, 235 P.3d 1071, 1076 (Colo. 2010) (quoting *In re Title, Ballot Title & Submission Clause, & Summary for 1997–1998 #64*, 960 P.2d 1192, 1196 (Colo. 1998)) (“[W]here an initiative advances separate and distinct purposes, ‘the fact that both purposes relate to a broad concept or subject is insufficient to satisfy the single subject requirement.’”) (alteration in original).

B. Title Board’s and Respondents’ arguments do not assuage the single-subject concerns.

1. The Initiatives’ striking of constitutional language creates multiple subjects.

First and foremost, the Initiatives strike more language in TABOR than necessary to impose a graduated income tax system (*i.e.*, they go beyond simply striking “at one rate”). The striking of “all taxable net income” in Initiative #191 and “no added tax” in Initiatives #195 and #196 are not necessarily and properly connected to the creation of a graduated income tax system. While Section 2 of the Initiative strikes language in Section 20 of Article X of the Colorado Constitution to eliminate TABOR’s flat income tax requirement, the strike-throughs also decouple the individual income tax and the income tax for corporations, trusts, and estates, *see supra* Section I.B., and alter other aspects of Colorado’s income tax policy unnecessary to impose a graduated income tax system. *See In re 2025-2026 #158*, 2026 CO 13, ¶ 14. These other aspects include capping the tax rate (for Initiative #191), repealing the requirement in TABOR that “new income” be taxed (also Initiative #191),

and striking the constitutional prohibition on “added taxes” to the income tax rate (for Initiatives ##195–196). (*See* Pet’r’s Opening Br., at 31–37.)

Title Board argues striking “taxable net income” in Initiative #191 is necessarily and properly connected to the Initiative’s single subject (according to Title Board, “improving specified public services by replacing the uniform state income tax rate with a graduated income tax structure”). (Title Board’s Opening Br. at 25.) But neither Title Board nor Respondents address how the other constitutional language stricken in the TABOR clause is necessary and properly connected.

Deflecting from the issue, Title Board contends any concern around the strike-through of “taxable net income” amounts to speculation on the effects of the measure. (Title Board’s Opening Br. at 25.) Similarly, in alleging the resulting provision is indiscernible, Respondents contend Petitioners are improperly focused on the unintended future applications and interpretations. (*Id.*) In further support of their argument, Respondents argue that, because Title Board “had no difficulty understanding the proposed measures sufficiently to set titles for each,” the strike-throughs are not vague or misleading. (Resp’ts’ Opening Br. at

7.) And they attempt to justify their drafting by stating that “[s]trikeouts of existing language are a common tool for amendments and repeals.” (*Id.* at 6–7.)

Assessing the meaning of a resulting constitutional provision is not speculation or improperly considering the measure’s effects. Rather, it is directly relevant to voter surprise, which neither Title Board nor Respondents acknowledge. Here, voters would be surprised to learn that, contrary to TABOR’s goal of slowing the growth of government, Initiative #191 would open the door for the government to choose to tax gross income instead of net income. And neither Title Board nor Respondents address that the striking of “no added tax” removes that constitutional protection, potentially subjecting voters to the legislature’s imposition of additional income tax beyond the graduated income tax already in place.⁴

As a result, the Initiatives’ strike-throughs go well beyond what is necessary to advance a graduated income tax system. For example, striking “all” in the TABOR provision in Initiative #191 is unnecessary

⁴ Title Board member Kurt Morrison voted to grant Petitioners’ motions for rehearing on Initiatives #195 and #196 on this basis.

because the measure leaves the tax rate the same across categories of earners in the proposed graduated income tax system. Respondents also could have struck only “at one rate” and added “at rates prescribed by statute.” Instead, in an effort to avoid the 55% threshold, Respondents chose to unnecessarily strike fundamental language in TABOR. This violates the single-subject requirement.

2. *Allowing the State to retain and spend excess revenue is one step too far.*

According to Respondents, “it is difficult to imagine a provision more directly and ‘properly’ connected to a State tax policy change that would result in an increase in net revenue than to address whether the State would be allowed to retain and spend – rather than immediately refund – that specific revenue.” (Resp’ts’ Opening Br. at 10.) Title Board similarly argues directing revenue generated by an initiative toward specified services does not violate the single-subject requirement. (*See* Title Board’s Opening Br., at 16 (citing *In re Title, Ballot Title, & Submission Clause for 2019-2020 #315*, 500 P.3d 363 (Colo. 2020)).)

Again, Respondents and Title Board misconstrue the single-subject analysis. The Initiatives do not merely permit the State to raise taxes

and retain revenue obtained through the existing income tax structure as in *In re #315*, which concerned dedication of revenue to only one program and also operated within the same uniform tax structure. *See* 500 P.3d at 366. Here, Respondents seek to overhaul the current income tax system, a significant change, as described in detail below, *infra* Section II.C, *alongside* allowing the State to retain excess revenue generated from this entirely new tax structure and dedicating this excess revenue to multiple programs. This distinction is critical. Respondents could have implemented a graduated income tax scheme that did not raise revenue or simply chosen to raise taxes within the existing flat tax framework. But doing all of these is at least one step too far.

3. *How the excess revenue is designed to be spent is a separate and distinct subject.*

Respondents further contend the statutory dedication of initial uses for additional revenue “anticipated to be generated exclusively by a specific proposed tax policy change is ‘properly connected’ to that proposed tax policy change.” (Resp’ts’ Opening Br. at 11.) According to Respondents, because it is only this specific excess revenue for which the uses are specified, there are no single subject violations. (*Id.*) But, again,

the Initiatives go well beyond what is necessary to implement their stated purpose. Section 5 of Initiatives #191 and #195 contain the following language: “The moneys in the account shall be appropriated or transferred by the general assembly for the following programs and purposes and **must supplement and not supplant current levels of appropriations thereto . . .**” (Emphasis added). Thus, the Initiatives not only specify the uses of such excess revenue, but require the legislature to continue to appropriate funds to the programs listed in at least the same amounts as in the year the measure passes.

Title Board makes no attempt whatsoever to explain the impact of such language, instead characterizing the Initiatives’ dedication of excess revenue as an “implementation detail” that is “central” to the measures’ single subject. (Title Board’s Opening Br. at 15–17.) But directing that the legislature can only spend such revenue if the appropriations to those programs are kept at the same level goes beyond implementation to separately mandating what the legislature can and cannot do to existing levels of appropriations.

C. The overhaul of Colorado’s income tax system constitutes a significant change and violates the single-subject requirement.

This Court’s recent decision in Initiative #158 sheds additional light on how the breadth of change Respondents’ seek to impose through the Initiatives goes well beyond the bounds of Colorado’s single-subject requirement. *In re 2025-2026 #158* concerned a measure that would both (a) add a new subsection in TABOR requiring voter approval of certain fees imposed by state law and (b) redefine any existing or new “fee” under Colorado law. 2026 CO 13, ¶ 6. The Colorado Supreme Court held Initiative #158 violated the single subject requirement because it redefined “fee,” which constituted a separate and distinct subject “neither necessarily nor properly connected to its purpose of requiring voter approval of fees.” *Id.* ¶ 22.

In finding that Initiative #158 contained multiple subjects, this Court emphasized they “have previously expressed concern about initiatives that propose to make significant changes beyond their central purpose.” *Id.* ¶ 25 (citing *In re Title, Ballot Title & Submission Clause for 2015-2016 #132*, 374 P.3d 460, 464 (Colo. 2016)). This Court further

explained “this Initiative proposes a significant—and retroactive—change to the definition of all fees under Colorado law, separate and apart from any voter approval requirement.” *Id.* “Despite Proponents’ contentions, *changing* the current definition of ‘fee’ is not necessary to effectuate the purpose of this Initiative.” *Id.* ¶ 23 (emphasis in original).

The same concerns are present here. If the Initiatives’ purpose is to improve funding for public school education, health care, and child care, Respondents need not overhaul Colorado’s existing income tax system. That significant change is a second subject. And if the goal is to fundamentally change the flat income tax to a progressive income tax system, this significant change should be presented to voters on its own merits. The distinct purposes relied upon by Title Board and Respondents to justify the sweeping changes imposed through the Initiatives must constitute subjects separate and apart from the measure’s stated purpose.

III. The titles do not clearly and comprehensively summarize the Initiatives’ central features.

Neither Title Board nor Respondents address in their Opening Briefs the serious clear title concerns raised by Petitioners.

A. The titles do not inform voters of critical features of the Initiatives.

Title Board argues the Initiatives' titles clearly express the subject of "improving certain public services by replacing the uniform state income tax rate with a graduated income tax structure." (Title Board's Opening Br. at 29.) According to Title Board, the title need not include all aspects raised by Petitioner because those address Initiative's potential *impacts*, as opposed to features of the Initiatives themselves. (*Id.*) Not so. The Initiatives aim to accomplish at least seven distinct goals. These goals are not mere effects of the measures, but are stated purposes:

- (1) Establish a graduated income tax system in Colorado;
- (2) Repeal Colorado's flat income tax requirement;
- (3) Both raise and lower taxes;
- (4) Apply the graduated income tax system to both individuals and corporations, trusts, and estates;
- (5) Permit the State to retain excess revenue generated;
- (6) Direct the legislature to dedicate the excess revenue to certain social programs; and
- (7) Give the legislature discretion to fund the identified social programs.

All seven must be clearly reflected in the title. *See In re Title, Ballot Title and Submission Clause, & Summary for 1999-2000 No. 258(A)*, 4 P.3d 1094, 1099 (Colo. 2000) (“Eliminating a key feature of the initiative from the titles is a fatal defect if that omission may cause confusion and mislead voters about what the initiative actually proposes.”). Moreover, the title does not adequately reflect the significant overhaul of Colorado’s income tax system that is the ultimate goal of the Initiatives (at least according to Respondents). *See supra* Section II.

The titles would mislead voters as to the resulting excess revenue generated from the newly created graduated income tax system. There are multiple features related to excess revenue not evident from the title: (1) the excess portion of revenue generated does not count toward the TABOR cap, removing voters’ right to vote on retaining this excess revenue; (2) the legislature has wide discretion to dedicate the excess revenue, within the confines of the services and programs listed in the measures; and (3) the excess revenue must supplement and not supplant current levels of funding to these services and programs, and thus the legislature must keep appropriations to a selected service or program at

current levels if the legislature would like to spend the excess revenue on that service or program.

Title Board argues the legislature's discretion over which services and programs within the broad confines of public education, health care, and child care is clear because the title lists these broad categories. (Title Board's Opening Br. at 34.) But merely detailing these public services, which make up a large portion of the State's budget, does not notify voters that the decision as to *whether* a service receives revenue, along with *how much*, is left to the sole discretion of the legislature. Under the Initiatives, the legislature would have a blank check to spend the money within the broad confines of those programs. But the title language disingenuously implies the money will be spent for each of these programs. Indeed, voters who are inclined to vote for one of the Initiatives based on the understanding that funding for education would be increased would be surprised to learn the legislature could decide not to appropriate any of the excess revenue to education at all.

Moreover, the titles do not clarify that the funding must supplement existing levels, meaning the legislature must continue to

fund these programs and services at current levels indefinitely if the excess revenue is to be used. Tellingly, campaign materials promoting signature collection for Initiative #195 prove Respondents plan to campaign on the basis that the Initiative will back fill lost revenue to fund education and healthcare. (See **Exhibit 4**, Email Invitation for “Rally for the Graduated Income Tax” (asking voters to sign Initiative #195’s petition because “right now, Colorado can’t afford those things. The loss of revenue resulting from our unfair tax code has led to a perpetual budget crisis in which Colorado can no longer pay for basic services and public benefits that Coloradans rely on for health, and education.”).) Voters may have the wrong understanding of the revenue dedication from Respondents’ campaign, and the title’s lack of clarity will not advise them otherwise.

B. The titles mislead voters by minimizing the Initiatives’ impact on other earners.

As described throughout Petitioner’s Opening Brief, the Initiatives’ titles are insufficient, unfair, and misleading because they include a table showing changes to individual income tax rates, but fail to describe such

impacts as to other earners. Neither Title Board nor Respondents grapple with this clear title issue.

According to Title Board, even though the table shows changes only to individual income tax, it is “sufficiently clear and will not mislead voters.” (Title Board’s Opening Br. at 34.) Title Board chalks up the exclusion of any references in the title or the table to the other earners affected by the Initiatives as part and parcel of their discretion to forego particularity when drafting titles. (*Id.* at 30.)

Title Board, however, does not have the discretion to mislead voters as to the proposed changes to income tax for other earners. *See In re Title, Ballot Title & Submission Clause for 2019-2020 #3*, 454 P.3d 1056, 1060 (Colo. 2019) (stating a title is clear where it “fairly reflects the proposed initiative such that voters will not be misled into supporting or opposing the initiative because of the words that the Title Board employed.”). Nor can voters simply understand the tax changes as to other earners by viewing the table because, as described above, the table bears no relationship to the impact on other earners. *See supra* Section II.B. As a result, to the extent a voter even grasps that the measure will alter the

income tax rates for other earners, the title as drafted will mislead voters into thinking the income tax changes reflected for individuals will have a similar effect on other earners. And the title does not even address pass-through entities, and how the Initiatives may impact them. These glaring omissions would prevent voters from making an informed decision.

CONCLUSION

For the reasons stated above, Petitioner respectfully requests the Court reverse the Title Board so Colorado voters do not inadvertently make a significant change in the Colorado Constitution without truly understanding what they are doing.

Respectfully submitted March 23, 2026.

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CERTIFICATE OF SERVICE

I hereby certify that on March 23, 2026, I electronically filed a true and correct copy of the foregoing **PETITIONER'S ANSWER BRIEF** via the Colorado Courts E-Filing system which will send notification of such filing and service upon counsel of record:

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DATE FILED
March 23, 2026 5:05 PM

EXHIBIT 1

From: CO E-Filing Courtesy Notices <DoNotReply@judicial.state.co.us>
Sent: Wednesday, February 11, 2026 4:35 PM
To: Meschke, David B.; Mercer, Sarah M.; Meyer, Reilly E.; Cotner, Rachael L.
Subject: Submission Receipt: New Supreme Court Case

Court: Supreme Court
Case Number: Pending Court Assignment
Filing ID: 55E5966025C0C
Date Filed: February 11, 2026 at 04:34 PM

E-File Fee: \$12.00
Service Fees: \$0.00
Billing Reference: 069678.0001

Document ID: E081F2A757004
Document Type: Petition for Review of Final Action -Title Board
Document Title: Petition for Review of Final Action of The Ballot Title Setting Board Concerning Proposed Initiative 2025-2026 #191
Statutory Fee: \$75.00

Document ID: DBADB6F1DFD83
Document Type: Attachments to Pleading
Document Title: Certified Copies of Initiative, text, fiscal summary and motion

View details online at
<https://www.jbits.courts.state.co.us/efiling/web/filingInformation/filingInfo.htm#/filingInfo?fid=55E5966025C0C>.

For questions about this case, please contact the court.

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EXHIBIT 2

From: CO E-Filing Courtesy Notices <DoNotReply@judicial.state.co.us>
Sent: Wednesday, February 11, 2026 4:58 PM
To: Meschke, David B.; Mercer, Sarah M.; Meyer, Reilly E.; Cotner, Rachael L.
Subject: Submission Receipt: New Supreme Court Case

Court: Supreme Court
Case Number: Pending Court Assignment
Filing ID: 64CC3EA533244
Date Filed: February 11, 2026 at 04:57 PM

E-File Fee: \$12.00
Service Fees: \$0.00
Billing Reference: 069678.0001

Document ID: A8CB36A9B469B
Document Type: Petition for Review of Final Action -Title Board
Document Title: Petition for Review of Final Action of The Ballot Title Board Concerning Proposed Initiative 2025-2026 #196
Statutory Fee: \$75.00

Document ID: 7A6F056548D10
Document Type: Attachments to Pleading
Document Title: Certified Copies of Initiative, text, fiscal summary and motion

View details online at
<https://www.jbits.courts.state.co.us/efiling/web/filingInformation/filingInfo.htm#/filingInfo?fid=64CC3EA533244>.

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EXHIBIT 3

COLORADO TITLE SETTING BOARD

IN THE MATTER OF THE TITLE AND BALLOT TITLE AND SUBMISSION
CLAUSE FOR INITIATIVE 2025-2026 #181

MOTION FOR REHEARING

On behalf of Michael A Hancock, registered elector of the State of Colorado, the undersigned counsel hereby submit this Motion for Rehearing for Proposed Initiative 2025-2026 #181 (“Initiative #181”) pursuant to C.R.S. § 1-40-107, and as grounds therefore state as follows:

This Motion seeks the Title Board’s review for four reasons: (1) the Title Board lacks jurisdiction to set a title because Initiative #181’s edits to a provision in the Taxpayer Bill of Rights (“TABOR”) creates a vague and confusing sentence that cannot be reasonably understood; (2) the Title Board lacks jurisdiction to set a title because Initiative #181 impermissibly contains multiple separate and distinct subjects in violation of the single-subject requirement; (3) the title set for the proposed measure fails to accurately describe the measure and would mislead voters; and (4) the proposed measure’s initial fiscal impact statement is misleading and prejudicial.

At its heart, this measure, like Initiatives ## 145-147 that came before it, is more than just a tax increase on millionaires. Among other subjects, it makes profound changes to TABOR and alters the tax rates for certain incorporated Colorado businesses of all sizes, including small and family-owned businesses, as well as start-up companies. These are impermissible second subjects that are, at minimum, not reflected in the title.

I. THE TITLE BOARD LACKS JURISDICTION TO SET A TITLE BECAUSE THE PROPOSED MEASURE IS SO VAGUE AND CONFUSING THAT IT CANNOT BE UNDERSTOOD.

The changes the Proponents made in this version—Initiative #181—are understandable given that the Title Board found the prior version to contain multiple subjects. To avoid (i) the single-subject pitfalls that befell Initiatives ## 145-147, which struck language in TABOR prohibiting no added taxes or surcharges in the flat income tax rate, and (ii) adding constitutional language which would require the measure pass with 55% of the vote, Initiative #181 strikes only part of the last sentence in Paragraph 8(a) of TABOR. (See Initiative #181, § 1.) But, by doing so, the Proponents would create an ambiguous and incomprehensible sentence in TABOR that deprives the Title Board of jurisdiction to set title.

If passed, Initiative #181 would remove the requirement that all net income be taxed at one rate (excluding refund tax credits or voter-approved tax credits), with no added tax or surcharge, and instead have the sentence state something completely different: “*Any income tax change after July 1, 1992 shall also require no added tax or surcharge.*” This change to the final sentence in Paragraph 8(a) divorces the original intent of the provision from its roots. “No added tax or surcharge” currently modifies “one rate.” By removing the “, with,” that phrase would instead modify “income tax law change.”

Although the Proponents likely intended that this change would keep the status quo on no added taxes and surcharges to the income tax rates, it is unclear what this language would actually do. For example, because the sentence keeps the word “require,” does this mean that any new income tax law change must specifically include a sentence declaring there can be no added tax or surcharge? And to what? To make the sentence clear with those strike-throughs, Initiative #181 would need to at least strike the word “require” and add in a different verb, if not completely revamp the sentence structure.

Initiative #181’s vague and confusing change to TABOR—a constitutional provision—means that this Title Board cannot set title. The Colorado Constitution mandates that an initiative’s single subject shall be clearly expressed in its title.” *In re Title, Ballot Title and Submission Clause for 2015-2016 #73*, 369 P.3d 565, 568 (Colo. 2016). The clear title standard requires that titles “allow voters, whether or not they are familiar with the subject matter of a particular proposal, to determine intelligently whether to support or oppose the proposal.” *Id.* The Board must consider the confusion that may arise from a misleading title and set titles that “correctly and fairly express the true intent and meaning” of a measure. *Id.* (quoting C.R.S. § 1-40-106(3)(b)). Based on these principles, if an initiative is so vague or confusing that its true purpose cannot be understood, then the Title Board lacks jurisdiction to set a title. The Title Board has declined to set a title on this ground in the past, and it should similarly refrain from doing so here.

II. INITIATIVE #181 IMPERMISSIBLY CONTAINS MULTIPLE SEPARATE AND DISTINCT SUBJECTS IN VIOLATION OF THE SINGLE-SUBJECT REQUIREMENT.

To make matters worse, Initiative #181 also contains several distinct subjects improperly coiled in the folds that would lead to either voter surprise or impermissible logrolling. The single-subject requirement is designed to:

[F]orbid . . . the practice of putting together . . . subjects having no necessary or proper connection, for the purpose of enlisting in support of the [initiative] the advocates of each measure, and thus securing the enactment of measures that could not be carried upon their merits.

C.R.S. § 1-40-106.5(1)(e)(I); *see also In re Title, Ballot Title & Submission Clause, for 2007–2008, #17*, 172 P.3d 871, 875 (Colo. 2007) (“We must examine sufficiently an initiative’s central theme to determine whether it contains hidden purposes under a broad theme.”).

Tellingly, although the Proponents’ main goal is the create a graduated income tax system, they have represented that Initiative #181’s single subject consists of a lengthy list of policy goals that include:

- creating a graduated income tax for individuals, estates, trusts, and corporations, as well as via pass-through entities;
- repealing the constitutional requirement that all income be taxed at one rate;
- retaining any resulting increase in revenue as a voter-approved revenue change;
- specifying the dedicated uses for the generated revenue; and
- requiring a new audited report specifying the uses to which such revenue has been put.

The fact that the Proponents could not distill their single subject to a simple phrase should at least give Title Board pause that the measure contains additional subjects coiled in the folds.

In fact, Initiative #181 actually does significantly more than create a graduated income tax system. *See In re 2009–2010 #91*, 235 P.3d at 1076 (quoting *In re Title, Ballot Title & Submission Clause, & Summary for 1997–1998 #64*, 960 P.2d 1192, 1196 (Colo. 1998)) (“[W]here an initiative advances separate and distinct purposes, ‘the fact that both purposes relate to a broad concept or subject is insufficient to satisfy the single subject requirement.’”) (alteration in original). In addition to repealing and replacing the flat income tax rate requirement in TABOR, the measure contains the following additional subjects:

- (1) Repeals the constitutional requirement that Colorado taxes “taxable net income,” as opposed to gross income or other means of calculating income—and as a result, removing one of TABOR’s requirements designed to slow the growth of government;
- (2) Deletes the TABOR provision requiring that any changes to the state’s income tax be identical across income taxpayers (i.e., individuals, estates, trusts, C-corporations, and via pass-through entities);
- (3) Applies a graduated income tax to several different categories of earners: individuals, estates, trusts, C-corporations, and via pass-through entities;
- (4) Allows the state to retain the additional revenue from the graduated income tax in excess of that currently permitted under TABOR without express voter approval;

- (5) Excludes the excess revenue collected from the TABOR cap, and thus affecting TABOR refunds;¹ and
- (6) Both lowers the tax rate and increases it, depending on income levels.

These additional subjects are not necessarily or properly connected to the overall goal of a graduated income tax system. *In re Matt of Title, Ballot Title and Submission Clause for 2019–2020 #315*, 500 P.3d 363, 367 (Colo. 2020) (quoting *In re 2015–2016 #73*, 369 P.3d at 568) (in deciding whether an initiative addresses a single subject, the relevant question is if its provisions are “necessarily and properly connected rather than disconnected or incongruous”); accord *In re Title, Ballot Title & Submission Clause for 2009–2010 #91*, 235 P.3d 1071, 1077 (Colo. 2010) (“[W]hen an initiative’s provisions seek to achieve purposes that bear no necessary or proper connection to the initiative’s subject, the initiative violates the constitutional rule against multiple subjects.”).

To illustrate, these separate subjects fall victim to the ills plaguing omnibus measures.

First, this measure contains several subjects coiled up within its folds. See *In re Title, Ballot Title & Submission Clause for Proposed Initiative 2001-02 No. 43*, 46 P.3d 438, 442 (Colo. 2002) (the single subject rule helps avoid “voter surprise and fraud occasioned by the inadvertent passage of a surreptitious provision ‘coiled up in the folds’ of a complex initiative”). While Initiative #181 left in the clause “no added tax or surcharge,” in SECTION 1 amending TABOR, the stricken language in that section does more than repeal the language that income must be taxed at one rate. It also repeals the requirement in TABOR that “net income,” as opposed to other types of income measurements such as gross income, be taxed. Gross income is a taxpayer’s total earnings before any deductions, while net income is the amount a taxpayer takes home after all deductions, such as taxes, insurance, and retirement contributions, are subtracted. By removing the constitutional requirement that net income is the type of income taxed, Initiative #181 would open the door to the legislature choosing to tax gross income instead. This would result in more taxes and less money in taxpayers’ pockets. It also would be directly contrary to TABOR’s goal of slowing the growth of government.

In addition, subjects #2 and #5 above are not clear from the text of the measure. Indeed, neither of those features even made their way into the title set by Title Board. Voters would be surprised to learn that by voting for Initiative #181, they would be decoupling individual and corporate income taxes, especially considering that the measure itself proposes to keep those graduated rates the same. Voters

¹ Indeed, when the legislature sought voter approval this past fall regarding the Healthy School Meals for All (“HSMA”) program, it separated the proposals into two different measures. Proposition LL asked the voters permission to retain and spend surplus HSMA funds (e.g., \$12.4M). Proposition MM asked voters to further limit deductions on high-income taxpayers to fund HSMA expansion, such as covering grant programs for local food, staff wages, training, and equipment.

likewise would be surprised that by voting for the measure, they could be affecting the amount of TABOR refunds they could receive.

Second, this measure presents a serious logrolling risk as many different voters or groups may favor certain aspects while disapproving of others. *In re Proposed Initiative “Public Rights in Waters II”*, 898 P.2d 1076, 1079 (Colo. 1995) (explaining that a central purpose of the single-subject requirement is that it “precludes the joining together of multiple subjects into a single initiative in the hope of attracting support from various factions which may have different or even conflicting interests”). For example, a voter may prefer a graduated income tax but not want to allow the state to retain income tax in excess of that currently permitted under TABOR without further express voter approval. In addition, a voter may want to increase taxes on millionaires, but not on small and medium-sized businesses, as well as start-up companies, organized as C-corporations. As a result, this measure is attractive to disparate groups of people that would not vote for all the various subjects contained in the measure.

III. THE TITLE FAILS TO ACCURATELY DESCRIBE THE MEASURE AND WOULD MISLEAD VOTERS.

Even if the Title Board were to affirm it has jurisdiction to set a title, setting a title for Initiative #181 is problematic for at least several reasons. The draft title approved at the December 3rd hearing must be amended so that the title fully and accurately captures the measure’s central features and does not mislead voters. Thus, at least the following changes must be made:

First, the title does not reveal several of the subjects listed above, including that it: (i) removes the constitutional requirement that net income, as opposed to gross income, be taxed; (ii) deletes the TABOR provision requiring any changes to the state’s income tax be identical across income taxpayers (i.e., individuals, estates, trusts, C-corporations, and via pass-through entities); and (iii) excludes the excess revenue collected from the TABOR cap, and thus affects TABOR refunds.

Second, the title fails to clarify the full gravity of the constitutional repeal—i.e., that the measure would repeal the constitutional provision requiring a single, flat tax. Given how difficult it is to amend Colorado’s Constitution, this repeal, if passed, is likely to be permanent. This dramatic change must be adequately reflected in the title.

Third, the title’s inclusion of a table showing proposed changes to income taxes by income category is misleading and prejudicial. The table fails to clarify that these proposed changes apply to individuals, estates, and trusts, as well as certain incorporated businesses. As a result, the title creates the impression that the measure is simply increasing taxes on individual millionaires, rather than small and medium-sized businesses, as well as start-up companies. While the Objector

understands that Legislative Council was obligated to create such a table for the initial fiscal statement, *see* C.R.S. § 1-40-105.5(1.5)(a)(V), and that a statute requires that the Title Board place that table in the title, this does not prevent the Title Board from either (a) adding language to clarify that taxes on businesses would increase or (b) creating separate tables for estates, trusts, and C-corporations.

Fourth, absent language in the title, voters would be misled into thinking that because the title does not list certain other entities, such as S-corporations and limited liability companies, those entities would not be impacted by Initiative #181. But pass-through entities would be affected by these measures because they are usually taxed at the individual level. In other words, the title obscures the full reach and impact of the tax increase by listing some of the targets of the new tax scheme but not others—a construction that will create the plainly false impression that the owner of an LLC, for example, are not targeted by this policy. Any individual or business classification that will experience a tax increase if this measure passes should be expressly listed in the title.

Fourth, and relatedly, the title fails to include any mention of the effect on smaller businesses. Many small and mid-size businesses, as well as start-up companies, are organized as C-corporations and would clearly have their taxes increased under this measure.² Likewise small businesses that are taxed as S-corporations or LLCs would still pass along the income tax increases to their individual shareholders. The graduated income tax scheme would likely raise their taxes on their net profits. Higher taxes on smaller businesses could have drastic effects, such as decreasing the number of these family-owned businesses in the state, slowing economic growth, and killing jobs for Coloradans. Effects such as these are not inconceivable—it’s famously happened in California in recent years, where so-called schemes to “tax the rich” have led employers of all sizes to cease doing business in the state. The title as drafted does not sufficiently address the significant dangers to Colorado’s business landscape associated with such a dramatic corporate tax increase. Accordingly, the title must be edited to make this risk clear. Likewise, while Initiative #181 specifies that it applies to “corporations,” voters may not understand that large, medium, and small businesses, as well as start-up companies, are organized as C-corporations. The title must be edited to make this clarification.

Fifth, the title’s reference to “estates” is misleading and needs to be clarified. Voters are unlikely to think of “estates” as covering anything other than millionaire’s estates. Rather, each time a person passes away, the person’s estate will need to file an income tax return showing income earned for the assets in its possession before distributing those assets to beneficiaries. Thus, Initiative #181

² The following are statistics prepared by the Colorado Department of Revenue: <https://cdor.colorado.gov/data-and-reports/income-tax-data/corporate-statistics-of-income-reports>.

would result in higher taxes on the assets left to individuals grieving their lost loved ones. The title needs to explicitly describe this feature.

Sixth, the title as drafted does not clarify that the excess portion of the revenue generated does not count toward the TABOR cap, significantly affecting and potentially eliminating the refunds voters have come to expect under TABOR. The title is also misleading in that it does not adequately explain that this measure removes the voters' right to vote on retaining excess revenue under TABOR. These are fundamental changes to TABOR that a voter would be surprised to learn. Thus, this language should be included at the outset.

Seventh, the title does not explain that the General Assembly has the discretion as to how to spend the money amongst the various services listed in the measure. Just because a certain service is listed, does not mean that the legislature will allocate any of the increased tax revenue to that particular service. Therefore, the words "at the discretion of the legislature" must be added to the title.

Therefore, the title must be amended to make these changes because otherwise the title would not "correctly and fairly express the true intent and meaning" of the measure. *See* C.R.S. § 1-40-106(3)(b). Indeed, Title Board's "duty is to ensure that the title, ballot title and submission clause, and summary fairly reflect the proposed initiative so that petition signers and voters will not be misled into support for or against a proposition by reason of the words employed by the board." *In re Ballot Title 1997-1998 # 62*, 961 P.2d 1077, 1082 (Colo. 1998) (quoting *In re Proposed Initiated Constitutional Amendment Concerning the Fair Treatment of Injured Workers Amendment*, 873 P.2d 718, 719 (Colo. 1994)).

IV. THE INITIAL FISCAL IMPACT STATEMENT IS MISLEADING AND PREJUDICIAL.

Finally, the initial fiscal impact statement prepared by Legislative Council Staff is misleading as to the effects of Initiative #181 on corporations, and especially small and medium-sized businesses, or start-up companies, organized as C-corporations. Specifically, in the section titled Economic Impacts, Legislative Council refers only to "business incomes." This phrasing does not adequately describe the economic impacts of the measure if implemented, as required by C.R.S. § 1-40-105.5(1.5)(a)(II). Referring only to the effected corporations as "business" does not accurately portray the extent of business impacted. Corporations impacted by Initiative #181 include corporations both large and small, as well as start-up companies, organized as C-corporations. And although not required by statute, the initial fiscal impact statement is misleading, incomplete, and prejudicial unless it includes a corresponding table addressing corporations.

CONCLUSION

Accordingly, the Objector respectfully requests that a rehearing is set pursuant to C.R.S. § 1-40-107(1) and that the Title Board grant this Motion.

Respectfully submitted this 10th day of December 2025.

/s/ Sarah M. Mercer

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DATE FILED
March 23, 2026 5:05 PM

EXHIBIT 4

From: Colorado Fiscal Institute <info@coloradofiscal.org>

Date: March 6, 2026 at 12:13:25 PM MST

To: [REDACTED]

Subject: Rally for the Graduated Income Tax!

Reply-To: info@coloradofiscal.org



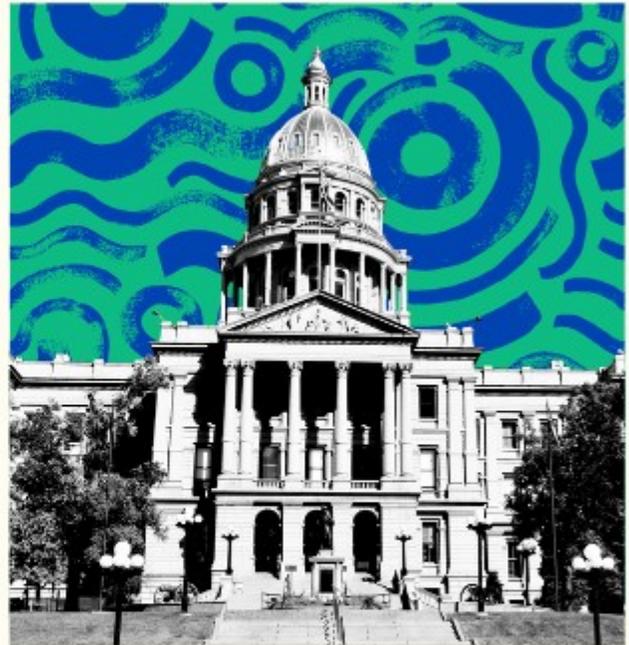
RALLY

**FOR THE GRADUATED
INCOME TAX**

**MARCH 17, 2026
NOON - 1 P.M.**



**Sign the petition to get
the measure on the
November 2026 ballot!**



**MEET ON THE WEST STEPS OF THE
COLORADO STATE CAPITOL BUILDING**

200 E. COLFAX AVE. DENVER, CO 80203

We're going to the ballot in 2026! Join us for our graduated income tax kickoff event on Tuesday, March 17 on the west steps of the Colorado Capitol, and be there for the start of a ballot campaign that will change Colorado for the better.

Colorado families need better schools and well-paid teachers, affordable child care, and better access to health care. But right now, Colorado can't afford those things. The loss of revenue resulting from our unfair tax code has led to a perpetual budget crisis in which Colorado can no longer pay for basic services and public benefits that Coloradans rely on for health and education.

We can fix the state's crisis at the ballot box this November. We've worked to identify the priorities that are most important to Coloradans, and we've found a viable path to make the changes we need. On March 17, we'll come together to start this campaign off with a bang!

We want to pack this event, and those who come have the opportunity to be among the first Coloradans to sign a petition to get the measure on the November 2026 ballot!

Join Us at the Launch!

 **When:** noon to 1 p.m. on Tuesday, March 17

 **Where:** West Steps of the Colorado Capitol, 200 E. Colfax Ave. Denver, CO 80203.

 **What:** [Protect Colorado's Future](#) is a broad coalition of nonprofits that are moving a ballot question forward to make our tax system fairer and raise revenue to pay for health care, K-12 education, and child care in Colorado.

No RSVP required. For more information on the graduated income tax, or to [volunteer](#) or [donate](#), please visit [ProtectColoradosFuture.com](#).

Contact Us

Colorado Fiscal Institute

110 16th Street, Suite 1410 | Denver, Colorado 80202

720 379 3019 | info@coloradofiscal.org

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