

COLORADO TITLE SETTING BOARD

IN THE MATTER OF THE TITLE AND BALLOT TITLE AND SUBMISSION CLAUSE
FOR INITIATIVE 2021-2022 #97

MOTION FOR REHEARING

On behalf of Steve Ward and Levi Mendyk, registered electors in the State of Colorado, the undersigned counsel, hereby submits this Motion for Rehearing of the Title Board's April 2, 2022, decision.

1. Proposed initiative #97 contains more than a single subject.

The initiative increases licenses for retail liquor stores *and* decreases licenses for liquor-licensed drugstores. Few voters will be in favor of, or opposed to, both disconnected subjects. To satisfy the single subject requirement in Colo. Const. art. V, § 1(5.5), the subject matter of an initiative must be necessarily and properly connected rather than disconnected or incongruous. A proposed initiative presents only one subject if it tends to effect or carry out one general objective or purpose; minor provisions necessary to effectuate the single objective or purpose of the initiative may be properly included. Conversely, an initiative violates the single subject requirement where it relates to more than one subject and has at least two distinct and separate purposes. If an initiative advances separate and distinct purposes, the fact that they both relate to the same general concept or subject is insufficient to satisfy the single subject requirement.

Johnson v. Curry (In re Title, Ballot Title, & Submission Clause for 2015-2016 #132), 2016 CO 55, ¶ 1, 374 P.3d 460, 462

2. The measure violates the clear title requirement.

Opponents assert that the titles as set violate clear title as they do not describe the central features of the measure including:

- A description of a "retail liquor store"
- A description of a "liquor-licensed drugstore"
- A description of the respective increases and decreases
- A description of "person" that "may hold an interest"
- A description of the number of liquor stores allowed on or after January 1, 2022 and before January 1, 2027
- A description of the language deleted from statute that allowed unlimited liquor licensed drugstores on or after January 1, 2037.

Respectfully submitted this 27th day of April, 2022.

s/Suzanne Taheri
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