

COLORADO BALLOT TITLE SETTING BOARD

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**MOTION FOR REHEARING ON PROPOSED INITIATIVE 2025-2026 #90 (as refiled by Proponents on July 2, 2025)**

Joshua Mantell, a registered elector of the State of Colorado, respectfully submits this Motion for Rehearing on Proposed Initiative 2025-2026 #90 (as refiled on July 2, 2025):

I. The Proposed Initiative is insufficiently clear to (a) enable the Title Board to set a proper and fair title expressing the true meaning and intent of the measure as required by C.R.S. §1-40-106(1) and (3), and to (b) determine whether the measure comports with the single-subject requirement as required by Colo. Const. art. V, §1(5.5), and C.R.S. §1-40-106.5.

The measure creates a new constitutional definition of the term “fee” – to be distinguished from a “tax” as currently understood and utilized in Colo. Const. art X, §20 (“TABOR”) – and then requires voter approval of such “fees” based upon a multi-year projected or actual revenue threshold. For purposes of calculating this threshold, the measure “aggregate[s]” fees “collected to fund similar purposes created or increased in the same legislative year or within the five preceding years.”

a) It is not clear from the language of the measure whether this “aggregation” is (i) limited to “fees” assessed or imposed by or within the same “district” or public/governmental entity over the requisite time periods or (ii) whether it extends to same-or-similar-purpose fees assessed in or by other local or statewide districts or governmental entities – albeit all necessarily “authorized by state law.”

b) It is not clear from the language of the measure whether the proponents' intent is for the "statewide election" approval requirement to apply only to statewide fees imposed by the state government or to locally imposed (albeit "authorized by state law") fees as well.

c) It is not clear from the measure whether any fees – whether local or statewide – meeting the five-year aggregated threshold as part of a package of fees "created or increased in the same legislative year or within the five preceding years" – will now (by the language of the measure) be subject to a retroactive statewide election requirement to continue in effect.

d) It is not clear what the term "authorized by state law" is intended to mean.

II. The Proposed Initiative contains multiple subjects in violation of Colo. Const. art. V, §1(5.5), and C.R.S. §1-40-106.5. At a minimum, these subjects include:

a) Creation of a new definition for the term "fee."

b) Creation of a new definition for the term "new tax" – as applicable throughout Colo. Const. art. X, §20 ("TABOR").

c) Imposition of a voter approval requirement at a statewide election for all fees imposed by the state and meeting a projected or actual revenue threshold of over \$100,000,000 total in the first five fiscal years (aggregating fees collected to fund similar purposes created or increased within the same legislative year or within the five preceding years).

d) Imposition of a voter approval requirement at a *statewide* election for any fee "authorized by state law" – albeit imposed or assessed at the *local district or government level* – meeting a projected or actual revenue threshold of over \$100,000,000 total in the first five fiscal years (aggregating fees collected to fund similar purposes created or increased within the same legislative year or within the five preceding years).

e) Imposition of a retrospective voter approval requirement at a *statewide* election for imposition or continuation of any fees – *whether imposed by the state or at the local district or government level* – that temporarily or ultimately fall within the aggregated “similar purpose” category and collectively meet the triggering projected or actual annual revenue threshold.

III. The title is insufficiently clear – and therefore confusing and misleading – with regard to the following points:

a) The title does not clearly inform the voters that fees imposed and administered by local districts and governmental entities will be (i) subject to statewide – rather than or in addition to local or district – voter approval if they are determined at some point to be part of a collection of statewide or local fees that collectively meet the projected-or-actual revenue thresholds and/or are determined to have been created for the same or a similar purposes.

b) The title broadly frames its subject as “requiring voter approval for certain governmental charges.” By its generality and omission of critical and diverse components of the measure – as noted above – this phrase is inherently misleading and prejudicial.

Respectfully submitted:

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