
COLORADO BALLOT TITLE BOARD

Objectors: Proponents Michael Fields and Suzanne Taheri

MOTION FOR REHEARING ON PROPOSED INITIATIVES 2025-2026 #215

Suzanne Taheri and Michael Fields, registered electors and the designated proponents of Proposed Initiatives 2025-2026, #215 respectfully submit the following Motion for Rehearing with regard to the title set for the proposed initiative.

On February 18, 2026, the Title Board considered Initiative #215. The Board found that the measure constitutes a single subject and proceeded to set title:

A change to the Colorado Revised Statutes modifying existing law to impose stricter penalties for some misdemeanor and felony theft crimes, and, in connection therewith, increasing criminal classifications and sentences, including imposing mandatory minimum sentences for misdemeanors and felonies, and permitting a municipality to impose a penalty greater than the maximum penalty imposed by state law for theft.

Previously on May 21, 2025, the Board set a slightly different, but more informative, title on a similar measure, Proposed Initiative 2025-2026 #88:

A change to the Colorado Revised Statutes imposing stricter penalties for certain theft offenses, and, in connection therewith, increasing criminal classifications and sentences, including imposing mandatory minimum sentences, for theft offenses ranging from misdemeanor theft and unauthorized use of vehicles to motor vehicle theft and conspiracy.

Both measures operate similarly in increasing penalties in 18-4-401, **Theft**; 18-4-409, **Motor vehicle theft**; and 18-4-409.5, **Unauthorized use of a motor vehicle**.

Proponents request that the board more accurately and completely describe the measure by including the prior language from #88, “for theft offenses ranging from misdemeanor theft and unauthorized use of vehicles to motor vehicle theft and conspiracy” within the title of #215.

This is because a title so general that it does not allow a voter to understand the effect of a "yes/for" or "no/against" vote does not satisfy the clear title requirement. See § 1-40-106(3)(b). *Hayes v. Spalding (In re Title, Ballot Title & Submission Clause for 2015-2016 #73)*, 2016 CO 24, ¶¶ 21-37, 369 P.3d 565, 568-71.

For example, the Supreme Court has ruled that generally stating in a title that an initiative specifies recall and successor election procedures without in any way describing those procedures does not provide sufficient information to allow voters to determine intelligently whether to support or oppose the proposal. See *In re 2013-2014 #90*, ¶ 23, 328 P.3d at 162.

Here, while the title is not inconsistent with the initiative, it is so general that it does not contain sufficient information to enable voters to determine intelligently whether to support or oppose the initiative. *See also Garcia v. Montero (In re Ballot Titles 2001-2002 #21 & #22)*, 44 P.3d 213, 222 (Colo. 2002) ("The titles, standing alone, should be capable of being read and understood, and capable of informing the voter of the major import of the proposal, but need not include every detail.) In the instant matter, there are only three categories in front of the voters, proponents believe that voters should be apprised of the general categories.

Without the descriptions, voters would not necessarily assume Motor Vehicle Theft was included in the types of offenses they are considering. In part, this is because theft of an item is generally understood to be the taking of an item with an intent to permanently deprive. *See CRS § 18-4-401*, while theft of motor vehicle focuses of the authority of the person to exercise control over the vehicle. *See CRS § 18-4-409, 18-4-409.5*.

The addition of the language is not a detail, it describes the substance of the measure. Proponents believe this to be necessary to capture the intent and allow voters to intelligently determine the effect of a "yes/no" vote.

Respectfully submitted this 25 day of February 2026.

/s/ Suzanne Taheri

Attorney for the Proponents
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