

COLORADO TITLE SETTING BOARD

Michael Fields, Objector

MOTION FOR REHEARING ON INITIATIVE 2025-2026 #233

Michael Fields, a registered elector of the State of Colorado objects to the title set for Proposed Initiative 2025-2026 #233 (“Initiative #233”).

The operative section of Initiative #233 reads:

SECTION 1. In the Colorado constitution, Article X, Section 11, **add** (2):

Section 11. Maximum Rate of Taxation

(2) Starting January 1, 2027, neither the individual income tax rate nor the corporate income tax rate may exceed 4.4% of a taxpayer’s federal taxable income.

On March 4, 2026, the Title Board considered Initiative #233. The Board found that the measure constitutes a single subject and proceeded to set the following ballot title:

“An amendment to the Colorado Constitution creating an income tax rate cap of 4.4% of federal taxable income for individuals and corporations.”

The title and submission clause should 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. *In re 2013-2014 #90*, ¶ 23, 328 P.3d at 162 (Colo.2014)

The title set by the Board uses the phrase “rate cap” which fails to appropriately describe the purpose of the initiative in a manner that is accessible to voters. The plain text of the initiative refers to a “maximum tax rate” and rather than creating a new tax “cap”. The purpose of the initiative is to restrict the authority of the government, rather than to grant it. Thus, the ballot title should be phrased as a prohibition against government charging more than 4.4% rather than appearing to authorize the government to “create” an income tax rate of 4.4%. “Rate cap” is also something that may not be generally understood by a voter.

The measure should instead track the wording in the initiative with a ballot title such as:

Shall there be an amendment to the Colorado constitution to set a maximum of 4.4% tax on federal taxable income for individuals and corporations?

or

Shall there be an amendment to the Colorado constitution creating a new law that requires that federal taxable income for individuals and corporations cannot go above 4.4%.

Respectfully submitted this 11th day of March 2026.

/s/ Suzanne Taheri

West Group
Attorney for Objector