

Motion for Rehearing on Proposed Initiatives 2025-26 #276**Motion submitted by: Joshua Mantell, Registered Elector in Colorado**

I, Joshua Mantell, registered elector in Colorado, request a rehearing for Proposed Initiatives 2025-26 #276, captioned Plain Language Ballot Questions, on the grounds that the measure is too confusing to give voters a “Yes/No” question and it contains a second subject and that the Title Board (Board) does not have jurisdiction to set a title. I also submit that the title does not tell voters what is truly contained within the measure.

On April 1, 2026, the Board considered this measure and determined that it contained a single subject and set a title, as follows:

Proposed Initiative 2025-26 #276 Title

“An amendment to the Colorado Constitution concerning ballot question language, and, in connection therewith, requiring all state and local ballot questions to be written in plain language and at no more than an 8th grade reading level and no longer allowing a state statute to require specific language in ballot questions for citizen-initiated measures.”

Board Does Not Have Jurisdiction To Set Title

Under CRS 1-40-106(3), the Title Board only has jurisdiction to set a title if the measure includes one subject and the measure can be understood well enough to put to voters a Yes/No question. This measure falls under both of these provisions, and as a result, the Title Board cannot set a title.

The phrase “ballot questions” is defined in CRS 1-40-104(2.7) as “a state or local government matter involving a citizen petition or referred measure, other than a ballot issue”. The phrase “ballot issue” is defined in CRS 1-40-104(2.3) as “a state or local government matter arising under [TABOR].” Initiative 2025-26 #276 pertains specifically to ballot questions being written in plain language. How does the board purport that statute written into an initiative be in plain language, and also in statutory language? The confusion around whether the measure is about the “ballot question”, but not encompassing “ballot issues”, and not referring to “ballot titles,” makes this measure vague and impossible to understand. As a result, the Title Board cannot set a title that makes clear to the voters what is in the measure.

Per the preceding paragraph, it is not clear whether the Proponents’ measure is addressed to the content of the underlying ballot question – prepared by its proponents, subject to review and comment, and submitted to the Title Board for the setting of a title – or if it is properly addressed to language that the legislature requires the Title Board to include in the

title and ballot title – e.g., the title language required by C.R.S. 1-40-106(3)(e), (f) and (g). If there is a lack of clarity on this point, a title cannot be set.

In terms of multiple subjects, I assert that the second sentence of the measure is a separate subject. While the measure is about writing ballot questions in plain-language for voters – defined as no more than an 8th-grade reading level – there is a clause that would also disallow statutory language that precedes, follows, or appears within a ballot question. This clause is not necessarily or properly connected to the subject of providing ballot language in plain-language to voters. That clause is a second subject, as it directly impacts the ability of the legislature to make laws, separate and apart from the plain-language of a ballot question.

Given that the measure is about ballot questions, and not ballot titles, it is also unclear how that clause would be implemented and applied to the legislature, who is tasked with writing and passing statutes throughout the CRS.

Need For a Revised Title

If the Board finds that they do have jurisdiction to set a title on Proposed Initiative 2025-26 #276, then the Board should rewrite the title to communicate the real stakes of this measure to voters. I ask that the Board revisit the current title to ensure that voters are apprised of what the measure truly means.

Submitted Respectfully,

Joshua Mantell