

COLORADO TITLE SETTING BOARD

Chuck Broerman and Suzanne Taheri, Objectors

MOTION FOR REHEARING ON INITIATIVE 2025-2026 #365-367

Chuck Broerman and Suzanne Taheri, registered electors of the State of Colorado and proponents of Initiative 2025-2026 Initiatives #365-#367 (the “Initiatives”) object to the determination of the Title Board regarding single subject for the initiatives. Proponents maintain that the measure constitutes a single subject and that the Board should set title accordingly.

On April 15, 2026, the Title Board considered the initiatives in a series of initiatives that were filed by the Proponents including three similar initiatives, 2025-2026 #362 through #364. The Board set title for the initiatives preceding #365 but declined title setting for #365 through #367 on single subject grounds.

All the initiatives in the series make changes to the voting identification process. The goal of these initiatives is to ensure that voters are properly authenticated prior to their ballots being counted. Initiatives #362 through #364 make changes to the mail ballot verification process, requiring additional information from the voter prior to sending the ballot to count. If the voter omits the required information, the initiatives prescribe a cure process which requires the voter to provide photo identification to the county clerk and recorder to cure the deficiency.

Initiatives #365 through #367 adopt the same verification process for mail ballots while enhancing identity verification for in-person voting by eliminating certain types of non-photo identification from the list of acceptable forms of identification which can be presented for voting purposes. All the changes involve enhancing election security to ensure that the person who cast the vote is the same person who legally registered to vote and received the ballot, whether in-person or by mail.

The single-subject requirement is designed to protect voters against fraud and surprise and to eliminate the practice of combining several unrelated subjects in a single measure for the purpose of enlisting support from advocates of each subject and thus securing the enactment of measures which might not otherwise be approved by voters on the basis of the merits of those discrete measures. *In re Proposed Initiative for an Amendment to the Constitution of the State of Colorado Adding Section 2 to Article VII (Petitions)*, 907 P.2d 586, 589 (Colo. 1995) *In re Proposed Initiative "Public Rights in Waters II"*, 898 P.2d 1076, 1078 (Colo. 1995) *In re Proposed Initiative on Sch. Pilot Program*, 874 P.2d 1066, 1069 (Colo. 1994).

The requirement must be liberally construed to “avoid unduly restricting the initiative process.” *Matter of Title, Ballot Title and Submission Clause for 2013–2014 #90*, 328 P.3d 155, 160 (Colo. 2014), quoting *In re Title, Ballot Title and Submission Clause for 2009-2010 #24*, 218 P.3d 350, 353 (Colo. 2009).

“[I]f the initiative tends to effect or to carry out one general object or purpose, it is a single subject under the law.” *In re Title, Ballot Title, Submission Clause, & Summary Adopted April 5, 1995, by Title Bd. Pertaining to a Proposed Initiative Pub. Rights in Waters II*, 898 P.2d 1076, 1080 (Colo.1995). The Title Board need only determine that the initiative “encompasses *related matters*” to establish a single subject. *In re 2013-2014 #89*, 328 P.3d at 177, citing *In re Title, Ballot Title, Submission Clause, & Summary with Regard to a Proposed Petition for an Amendment to the Constitution of the State of Colo. Adding Section 2 to Article VII*, 900 P.2d 104, 113 (Colo.1995) (Scott, J., concurring).

Initiative #365-367 is designed to protect the rights of all voters by ensuring the voter casting the ballot is the same person that lawfully registered. “[J]ust because a proposal may have different effects or that it makes policy choices that are not inevitably interconnected [does not mean] that it necessarily violates the single-subject requirement. It is enough that the provisions of a proposal are connected.” *In re Title v. John Fielder*, 12 P.3d 246, 254 (Colo. 2000), citing *In re Proposed Initiative for 1999-2000 # 25*, 974 P.2d at 463.

The initiative will not lead to the “voter surprise and fraud occasioned by the inadvertent passage of a surreptitious provision ‘coiled up in the folds’ of a complex initiative” because there are no embedded provisions that would lead to voter surprise or fraud. *In re 2011-2012 No. 45*, 274 P.3d at 582. The initiative is limited to a single matter of affirmative verification of voter identity. There are no hidden provisions that are unrelated to the initiative’s “central theme.” See *Matter of Title, Ballot Title and Submission Clause for 2013-2014 #129*, 333 P.3d 101, 104 (Colo. 2014).

At the initial hearing the Board appeared to take issue with the conforming amendments to statute that changed to the types of identification permitted under C.R.S. 1-1-104 (19.5). The board determined the change would have unknown impacts to the voter registration process. This is not the case. The Board incorrectly conflated the registration process with the in-person and vote by mail processes.

C.R.S. 1-1-104 (19.5) is applied in a very limited way in Title 1, Article 2 “Qualifications and Registration of Electors.” C.R.S. 1-2-201 (5), “Registration required – deadlines – additional information to be provided by first-time registrants” states, in pertinent part:

(5) An elector who submits a voter registration form and has not previously voted in the state shall:

(a) Submit with the voter registration form a copy of identification as defined in section 1-1-104 (19.5), the elector's driver's license number, or the last four digits of the elector's social security number; or

(b) Submit a copy of identification as defined in section 1-1-104 (19.5) with the elector's mail ballot in accordance with section 1-7.5-107 (3.5).

The changes to 1-1-104 (19.5) do not change registration. This section within Article 2 only specifies what is required to vote. A voter not providing this information will still be registered, but a first-time voter must have either provided the identification at registration or

submit a copy with the mail ballot. This change is a conforming amendment in statute to match the constitutional changes proposed in the initiative.

The initiative requires certain types of identification to vote. Allowing someone to end-run the identification requirements with a mail ballot would frustrate the purpose of the identification requirements. It is certainly in keeping with the purpose of the initiative that voters are authenticated prior to casting their ballot.

The modification in the definition within the measure does nothing to modify the voter registration process. Both the online and in person voter registration forms, which remain unchanged, provide voter's an opportunity to put in a driver's license/ID card, last four digits of SSN or mark the box "I don't have a CO driver's license, ID card, or SS card." See C.R.S. 1-2-202.5; C.R.S. 1-2-204; and the Colorado Voter Registration Form¹.

While elections are certainly a complicated process involving multiple moving parts, one needs only to look to legislative history to determine the scope of the single subject requirement as it applies to voting. The General Assembly is required to abide by the same single subject requirement as the proponents of a ballot initiative. The single subject requirement for bills in the General Assembly has been enshrined in Article V, Section 21 of the Colorado Constitution since 1877.

That single subject requirement applied when the General Assembly passed a comprehensive elections bill, House Bill 13-1303, changing various aspects of the voting process in 2013. House Bill 13-1303 covered numerous, arguably unrelated aspects of the elections and voting process:

- It changed the residency requirement for voting in Colorado from 30 days to 22 days.
- It allowed voters to change their precinct on election day.
- It eliminated the voter registration deadline of 29 days before the election and changed the law to allow same-day voter registration.
- It changed the voter registration procedures and procedures for voter registration drives and allowed 16-year-olds to preregister to vote.
- And, arguably unrelated to voter registration, it changed Colorado's election model from mail ballot by request to all mail ballot elections and eliminated precinct polling locations in favor of centralized voter service and polling centers. In alignment with this change, the bill also established requirements for county clerks to erect specific numbers of polling locations according to the county population and the timeline for the election.

House Bill 13-1303 was a comprehensive elections bill covering numerous aspects of the voting process in Colorado. Each year the general assembly runs an election "clean up" bill that

¹ <https://www.sos.state.co.us/pubs/elections/vote/VoterRegFormEnglish.pdf>

commonly touches on registration, voting both in-person and by mail, and a variety of other election-related processes.

By contrast, Proposed Initiatives #365 through #367 propose changes to the process for voter identity verification. Initiative #365 is a single subject, and the Board should proceed to set title.

Respectfully submitted this 22nd day of April 2026.

/s/ Suzanne Taheri

West Group
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