ADVANCE SHEET HEADNOTE
August 21, 2023

2023 CO 45

No. 23SA150, *Ward v. State*—Ballot Titles—Subject Matter Jurisdiction—Single Subject Requirement—Clear Expression Requirement.

In this appeal taken pursuant to section 1-11-203.5(4), C.R.S. (2022), petitioners ask the supreme court to consider whether (1) Senate Bill 23-303 ("SB 303") and its embedded referred measure, Proposition HH, violate the Colorado Constitution's single subject requirement and (2) Proposition HH violates the constitution's clear expression requirement.

The court now concludes that under long-settled precedent, Colorado courts do not have subject matter jurisdiction to review either Senate Bill 23-303 or Proposition HH for compliance with the Colorado Constitution's single subject requirement unless and until those measures have been approved by Colorado voters. The court further concludes that although it has jurisdiction to consider petitioners' clear expression challenges to Proposition HH, at least to the extent that any defects in the title are amenable to reformation by the courts, petitioners

have not established that Proposition HH violates the constitution's clear expression requirement.

Accordingly, the court affirms the portions of the district court's judgment concluding that the district court lacked jurisdiction to consider petitioners' single subject claims and denying petitioners' requested relief on their clear expression claims, and the court vacates the portions of the district court's judgment conditionally deciding the merits of petitioners' single subject claims. The court expresses no opinion on the merits of petitioners' single subject claims.

The Supreme Court of the State of Colorado
2 East 14th Avenue • Denver, Colorado 80203

2023 CO 45

Supreme Court Case No. 23SA150
Appeal Pursuant to § 1-11-203.5, C.R.S.
District Court, City & County of Denver, Case No. 23CV31432
Honorable David H. Goldberg, Judge

Petitioners:

Steven Ward, Jerry Sonnenberg, Abe Laydon, Lora Thomas, George Teal, Kevin Grantham, Stan Vander Werf, Carrie Geitner, Cami Bremer, Longinos Gonzalez, Jr., Chuck Broerman, and Mark Flutcher, Colorado residents, local elected officials, and registered Colorado voters; Christopher Richardson, Grant Thayer, and Dallas Schroeder, in their official capacity as Elbert County Commissioners; Advance Colorado, a Colorado nonprofit corporation; Cheyenne County, Douglas County, El Paso County, Elbert County, Fremont County, Kit Carson County, Logan County, Mesa County, Phillips County, Prowers County, Rio Blanco County, and Washington County, Colorado counties; and Highlands Ranch Metropolitan District,

v.

Respondents:

State of Colorado, by and through Jared S. Polis, in his official capacity as Governor; and Jena Griswold, in her official capacity as Secretary of State.

Judgment Affirmed in Part and Vacated in Part
en banc
August 21, 2023

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JUSTICE GABRIEL delivered the Opinion of the Court, in which **CHIEF JUSTICE BOATRIGHT**, **JUSTICE MÁRQUEZ**, **JUSTICE HOOD**, **JUSTICE HART**, **JUSTICE SAMOUR**, and **JUSTICE BERKENKOTTER** joined.

JUSTICE GABRIEL delivered the Opinion of the Court.

¶1 In this appeal taken pursuant to section 1-11-203.5(4), C.R.S. (2022), petitioners, a number of Colorado residents, local officials, voters, counties, and county commissioners, a nonprofit corporation, and a metropolitan district, contend that (1) Senate Bill 23-303 ("SB 303") and its embedded referred measure, Proposition HH, violate the Colorado Constitution's single subject requirement and (2) Proposition HH violates the constitution's clear expression requirement.

¶2 We now conclude that under long-settled precedent of this court, Colorado courts do not have subject matter jurisdiction to review either SB 303 or Proposition HH for compliance with our constitution's single subject requirement unless and until those measures have been approved by Colorado voters. We further conclude that although we have jurisdiction to consider petitioners' clear expression challenges to Proposition HH, at least to the extent that any defects in the title are amenable to reformation by the courts, petitioners have not established that Proposition HH violates the clear expression requirement.

¶3 Accordingly, we affirm the portions of the district court's judgment concluding that the court lacked jurisdiction to consider petitioners' single subject claims and denying petitioners' requested relief on their clear expression claims, and we vacate the portions of the district court's judgment conditionally deciding

the merits of petitioners' single subject claims. We express no opinion on the merits of petitioners' single subject claims.

I. Facts and Procedural History

¶4 On the final day of the 2023 legislative session, the General Assembly passed SB 303, and Governor Jared S. Polis signed that bill into law shortly thereafter.

¶5 SB 303 was enacted in response to the fact that Coloradans are facing the prospect of substantial increases in their property taxes during the 2023 property tax cycle. Accordingly, SB 303's principal purpose was to provide property tax relief to Coloradans who would be impacted by the property tax increases.

¶6 In affording such property tax relief, the General Assembly recognized that SB 303 would impact not only property owners but also those who rent properties (because property tax increases would be passed onto them through increased rental rates). The General Assembly further recognized that a property tax measure like this would impact school districts, special districts, cities, counties, and local governments that depend on property tax revenues to allow them to provide services on which Coloradans rely.

¶7 Perceiving these interests to be interrelated, the General Assembly set forth in SB 303 a comprehensive plan that would provide at least ten years of property tax relief while simultaneously creating a framework aimed at mitigating the

revenue impacts that such relief would have on entities and institutions that rely on property tax revenues.

¶8 SB 303's title is thus framed as follows:

> CONCERNING A REDUCTION IN PROPERTY TAXES, AND, IN CONNECTION THEREWITH, CREATING A LIMIT ON ANNUAL PROPERTY TAX INCREASES FOR CERTAIN LOCAL GOVERNMENTS; TEMPORARILY REDUCING THE VALUATION FOR ASSESSMENT OF CERTAIN RESIDENTIAL AND NONRESIDENTIAL PROPERTY; CREATING NEW SUBCLASSES OF PROPERTY; PERMITTING THE STATE TO RETAIN AND SPEND REVENUE UP TO THE PROPOSITION HH CAP; REQUIRING THE RETAINED REVENUE TO BE USED TO REIMBURSE CERTAIN LOCAL GOVERNMENTS FOR LOST PROPERTY TAX REVENUE AND TO BE DEPOSITED IN THE STATE EDUCATION FUND TO BACKFILL THE REDUCTION IN SCHOOL DISTRICT PROPERTY TAX REVENUE; TRANSFERRING GENERAL FUND MONEY TO THE STATE PUBLIC SCHOOL FUND AND TO A CASH FUND TO ALSO BE USED FOR THE REIMBURSEMENTS; ELIMINATING THE CAP ON THE AMOUNT OF EXCESS STATE REVENUES THAT MAY BE USED FOR THE REIMBURSEMENTS FOR THE 2023 PROPERTY TAX YEAR; REFERRING A BALLOT ISSUE; AND MAKING AN APPROPRIATION.

¶9 Notably, few of SB 303's provisions went into effect immediately upon the Governor's signature. Instead, most of SB 303 is a referred measure, Proposition HH, that is contained within SB 303 and that is contingent on voter approval in the 2023 general election.

¶10 In that election, Colorado voters will be presented with Proposition HH's ballot title, which asks:

> SHALL THE STATE REDUCE PROPERTY TAXES FOR HOMES AND BUSINESSES, INCLUDING EXPANDING PROPERTY TAX RELIEF FOR SENIORS, AND BACKFILL COUNTIES, WATER DISTRICTS, FIRE DISTRICTS, AMBULANCE AND HOSPITAL DISTRICTS, AND OTHER LOCAL GOVERNMENTS AND FUND SCHOOL DISTRICTS BY USING A PORTION OF THE STATE SURPLUS UP TO THE PROPOSITION HH CAP AS DEFINED IN THIS MEASURE?

¶11 Also on the last day of the 2023 legislative session, the General Assembly passed House Bill 23-1311 ("HB 1311"). This bill alters the method for calculating refunds under Colorado's Taxpayer's Bill of Rights ("TABOR"), Colo. Const. art. X, § 20, mandating that in fiscal year 2022–23, taxpayers eligible for a refund would receive a refund in the same flat amount, rather than a refund in an amount that would be calculated as otherwise required by law. HB 1311 states, however, that this change to the TABOR refund calculation will take effect only if, in the 2023 general election, a majority of voters approve Proposition HH. Neither SB 303 nor Proposition HH refers to HB 1311.

¶12 Shortly after the Governor signed SB 303 and HB 1311, petitioners filed this action, pursuant to section 1-11-203.5, against the State of Colorado, by and through the Governor and Secretary of State Jena Griswold, in their official capacities. In this action, petitioners sought to invalidate SB 303 and Proposition HH on single subject and clear expression grounds or, in the alternative, to reform Proposition HH's ballot title.

¶13 Pertinent here, petitioners allege that SB 303 and Proposition HH violate our constitution's single subject requirement because those measures include at least four separate subjects: (1) a reduction in property tax assessment rates; (2) requests that voters approve the state's retention and use of funds for other expenditures, including education, in an amount greater than necessary to compensate for the loss of property tax revenue, and that voters allow the state to send money in excess of the amount necessary to compensate for lost property tax revenue to the State Education Fund; (3) an appropriation of an amount to the housing development grant fund to be used for tenant rent; and (4) the permanent change (and eventual elimination of) TABOR refunds. Petitioners further allege that Proposition HH contains one additional subject, namely, that HB 1311 is conditioned on the passage of Proposition HH.

¶14 In addition to the foregoing, petitioners allege that Proposition HH violates the applicable clear expression requirement. Although, in the district court, petitioners asserted a large number of grounds in support of this contention, in this court, they assert four clear expression challenges, namely, that Proposition HH (1) provides no detail on the rate or amount of property tax reductions it proposes; (2) does not mention that it is a referendum on HB 1311 or that it would authorize an appropriation for rental assistance; (3) uses "confusing and obfuscating language" in connection with its modifications to certain TABOR

provisions, including using the term "State Surplus," rather than the allegedly standard language, which asks whether the state may keep, retain, or spend excess TABOR funds; and (4) does not mention the new funding for the State Education Fund, which petitioners contend exceeds amounts necessary to compensate for the loss of property tax revenue.

¶15 In light of section 1-11-203.5's expedited deadlines for completing proceedings filed thereunder, the district court ordered the parties to submit simultaneous opening and answer briefs, which they did.

¶16 As pertinent here, in their briefing below, petitioners elaborated on the arguments asserted in their operative complaint and urged the district court to conclude that SB 303 and Proposition HH violated the single subject and clear expression requirements and were therefore void. In the alternative, petitioners asked that the court correct the text of Proposition HH to ensure that it did not unfairly mislead voters.

¶17 The Governor responded by contending, first, that the district court lacked subject matter jurisdiction to consider the great majority of petitioners' claims. The Governor then argued that even if the court had jurisdiction, petitioners' claims failed on their merits. (The Secretary of State took no position on petitioners' claims but requested that the court act expeditiously to ensure completion of the proceedings before the applicable pre-election deadlines.)

¶18 In a thorough and detailed twenty-one page, single-spaced order, the district court concluded that under this court's decision in *Polhill v. Buckley*, 923 P.2d 119 (Colo. 1996), it lacked subject matter jurisdiction to consider petitioners' single subject challenges to SB 303 and Proposition HH. *Ward v. State of Colo. ex rel. Polis*, No. 23CV31432, at 3–5 (Dist. Ct., City & Cnty. of Denver, June 9, 2023). In so ruling, the court was unpersuaded by petitioners' argument that article V, section 1(5.5) of the Colorado Constitution conferred jurisdiction on it because, in the court's view, that provision applies to initiatives, not referenda. *Ward*, at 7–8. The court also rejected petitioners' contention that section 1-11-203.5(1) provided the broad jurisdiction that petitioners asserted because, the court opined, that section establishes a court's jurisdiction to consider ballot disputes concerning only the "order on the ballot or the form or content of any ballot title," and not the type of substantive challenge to a ballot question that petitioners are asserting here. *Ward*, at 6.

¶19 The court did note, however, that section 1-11-203.5 provides a limited grant of jurisdiction to consider the reformation of Proposition HH, to the extent that reformation could be accomplished without considering the constitutional substance of that measure. *Ward*, at 11. In essence, this allowed the court to consider petitioners' clear expression challenges to Proposition HH, at least to the extent that petitioners were asserting that the title was misleading due to

inaccuracies, omissions, or a lack of specificity. The court, however, rejected all of petitioners' contentions regarding both the allegedly misleading language of Proposition HH and the title's purported lack of specificity. *Id.* at 11–16. As to the latter, the court observed:

> A title is meant to be a title, not a summary of the specifics of a proposition. Particularity is neither necessary nor desirable when it comes to the title. The title exists for the purpose of alerting the reader to the general object of the proposed legislation, and it is not improper for it to decline to delve into specifics.

Id. at 14.

¶20 Having resolved the issues before it on jurisdictional grounds, the court observed that it typically would go no further and would not consider the merits of petitioners' claims. *Id.* at 16. In light of the fact that the parties had fully briefed the merits of the constitutional challenges at issue, and given the extraordinary time crunch imposed by the impending pre-election deadlines, however, the court deemed it prudent to address the merits. *Id.* This, the court said, would account for the possibility that its jurisdictional analysis was mistaken and would ensure that all issues would properly be presented to a reviewing court, should any party seek further review. *Id.* The court then proceeded to address the merits of petitioners' single subject claims, as well as any clear expression challenges not previously addressed, and the court rejected each of those claims and challenges. *Id.* at 16–21.

¶21 Petitioners then filed the present appeal. Like the district court, we ordered simultaneous opening and answer briefs. Petitioners and the Governor filed such briefs, and, as she did in the district court, the Secretary of State filed a brief taking no position on petitioners' claims but advising the court of the importance of deciding this appeal as expeditiously as practicable to ensure finality before the 2023 ballot certification deadline.

II. Analysis

¶22 We begin by setting forth the pertinent constitutional principles and the applicable standards of review. We then consider whether the courts have subject matter jurisdiction to hear petitioners' constitutional challenges to SB 303 and Proposition HH. Concluding that they do not and that our jurisdiction at this stage of the proceedings is limited to considering petitioners' demand that we reform Proposition HH to conform to the applicable clear expression requirements, we proceed to consider petitioners' clear expression arguments, and we reject each of those arguments in turn.

A. Applicable Constitutional Principles and Standards of Review

¶23 Article V, section 21 of the Colorado Constitution provides, in pertinent part, "No bill, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title." The purposes of this provision are:

> (1) to notify the public and legislators of pending bills so that all may participate in the legislative process; (2) to guarantee that each legislative proposal passes on its own merit; and (3) to enable the governor to consider each piece of legislation separately in determining whether to exercise veto power.

Parrish v. Lamm, 758 P.2d 1356, 1362 (Colo. 1988).

¶24 This requirement is construed "liberally and reasonably" in order "to avert the evils against which it is aimed, and at the same time avoid unnecessarily obstructing legislation." *In re Breene*, 24 P. 3, 3 (Colo. 1890). These evils include (1) joining in one act disconnected and incongruous matters; (2) passing unknown subjects coiled up in the folds of the bill; and (3) surprising or defrauding legislators and the people in the enactment of laws. *Id.* at 3–4.

¶25 Legislative actions like SB 303 and Proposition HH that have been passed by the General Assembly are entitled to a presumption of constitutionality, and petitioners bear a heavy burden of establishing the unconstitutionality of those enactments. *See Submission of Interrogatories on S.B. 93-74*, 852 P.2d 1, 5 n.4 (Colo. 1993); *In re Interrogatory Propounded by Governor Roy Romer on H.B. No. 1353*, 738 P.2d 371, 372 (Colo. 1987); *see also Woo v. El Paso Cnty. Sheriff's Off.*, 2022 CO 56, ¶ 21, 528 P.3d 899, 905 (stating that courts presume that statutes are constitutional and that the party challenging the constitutionality of a statute bears a "heavy burden").

¶26 In addition, to the extent that the issues before us require us to interpret constitutional or statutory provisions, we note that matters of constitutional and statutory construction present questions of law that we review de novo. *All. for a Safe & Indep. Woodmen Hills v. Campaign Integrity Watchdog, LLC*, 2019 CO 76, ¶ 20, 450 P.3d 282, 286. In construing constitutional and statutory provisions, we seek to effectuate the framers' and the General Assembly's intent, respectively. *See id.* at ¶ 21, 450 P.3d at 287. We read words and phrases in context, affording them their plain and ordinary meanings. *Id.* If the language is clear and unambiguous, then we will apply it as written, and we need not resort to other tools of construction. *See id.*

B. Subject Matter Jurisdiction

¶27 Petitioners contend that the district court erred in concluding that it (1) lacked subject matter jurisdiction to consider their single subject contentions and the bulk of their clear expression objections and (2) had only limited jurisdiction to consider those clear expression claims that sought reformation of the title, and then only to the extent that reformation could be accomplished without considering the constitutional substance of Proposition HH. We discern no error in the district court's analysis.

¶28 In *Polhill*, 923 P.2d at 120, the petitioners challenged a referred constitutional measure as violative of the single subject requirement contained in article XIX,

section 2(3) of the Colorado Constitution. We held, "[C]ourts lack subject matter jurisdiction to review a legislative referendum for compliance with the single-subject requirement of the Colorado Constitution unless and until it has been approved by the voters." *Id.* (footnote omitted). In so holding, we observed, "Our case law embodies a strong tradition which holds that courts cannot interfere with the ongoing legislative process except in extraordinary circumstances." *Id.* at 121; *see also id.* (concluding that article VI, section 3 of the Colorado Constitution, which authorizes the supreme court to exercise jurisdiction when the Governor or the General Assembly submits an interrogatory asking the court to address the constitutionality of legislation prior to final passage or after enactment but prior to action by the Governor, did not confer jurisdiction on the court because, as in the present case, no interrogatory had been submitted).

¶29 We then proceeded to consider the language of article XIX, section 2(3) itself, and we concluded that that provision "does not confer jurisdiction on the courts to review proposed constitutional amendments before they are submitted to the electorate." *Id.* Nor did we discern any statutory authority conferring such jurisdiction. *Id.* And we rejected the petitioners' argument that deferring review of an alleged single subject violation in a measure until after the measure has been adopted would deny a remedy to those challenging the measure. *Id.* We concluded instead that allowing voters to challenge such a measure after the

referendum has been approved would provide an "adequate remedy." *Id.* at 122. We ended by explaining that the separation of powers doctrine supported our conclusion that, "in the absence of constitutionally or statutorily conferred jurisdiction, courts cannot interfere in the legislative referendum process by reviewing referenda before they have been submitted to the electorate." *Id.*

¶30 Although *Polhill* concerned a referred constitutional measure under article XIX, section 2(3) of our constitution, whereas this case involves a referred legislative measure under article V, section 21, for two reasons, we believe that *Polhill* applies with equal force here. First, the pertinent language of article XIX, section 2(3) is substantively identical to that in article V, section 21. *Compare* Colo. Const. art. V, § 21 ("No bill, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title . . . ."), *with* Colo. Const. art. XIX, § 2(3) ("No measure proposing an amendment or amendments to this constitution shall be submitted by the general assembly to the registered electors of the state containing more than one subject, which shall be clearly expressed in its title . . . ."). Second, in reaching its conclusion that a post-election remedy would be adequate, *Polhill* itself relied on article V, section 21 and made no distinction between that provision and article XIX, section 2(3). *Polhill*, 923 P.2d at 121–22.

¶31 Accordingly, we conclude that the district court did not have, and we do not have, subject matter jurisdiction to review either SB 303 or Proposition HH for compliance with our constitution's single subject requirement unless and until those measures have been approved by Colorado voters.

¶32 In so concluding, we are not persuaded by petitioners' arguments that *Polhill* is distinguishable because certain provisions of SB 303 took effect immediately upon the Governor's signature and that in applying *Polhill* here, the district court improperly expanded *Polhill* to cover already enacted statutes. In making these arguments, petitioners ignore *Polhill*'s broad language, which as noted above, honored the deference due the ongoing legislative process. *See id.* at 121. Petitioners also disregard the fact that all of the portions of SB 303 and Proposition HH that they challenge are being submitted to the voters for determination.

¶33 Nor are we persuaded by petitioners' argument that article V, section 1(5.5) of our constitution confers jurisdiction on the courts here. That section begins:

> No measure shall be proposed *by petition* containing more than one subject, which shall be clearly expressed in its title; but if any subject shall be embraced in *any measure* which shall not be expressed in the title, such measure shall be void only as to so much thereof as shall not be so expressed.

Colo. Const. art. V, § 1(5.5) (emphases added).

¶34 By its plain language, this section concerns measures being proposed by petition, not measures referred by the legislature. And the fact that the provision refers to "any measure" does not alter the fact that the measures to which the provision is directed are expressly limited to measures proposed by petition. Notwithstanding petitioners' arguments to the contrary, we are not at liberty to disregard plain and unambiguous language in our constitution.

¶35 Finally, we are unpersuaded by petitioners' contention that section 1-11-203.5(1) confers jurisdiction on the courts to review all of petitioners' single subject and clear expression challenges in this case.

¶36 Section 1-11-203.5(1) provides, in pertinent part:

> Except for petitions for rehearing pursuant to section 1-40-107, all election contests arising out of a ballot issue or ballot question election concerning *the order on the ballot or the form or content of any ballot title* shall be summarily adjudicated by the district court sitting for the political subdivision within which the contest arises prior to the election.

(Emphasis added.)

¶37 The question before us is thus whether petitioners' challenges concern the form or content of the titles of SB 303 or Proposition HH.

¶38 In *Cacioppo v. Eagle County School District Re-50J*, 92 P.3d 453, 457 (Colo. 2004), we drew a distinction between challenges to the form and content of a title, on the one hand, and challenges to the substance of a measure, on the other. We

observed that the form or content of a title "refers only to the heading of the ballot issue and the question presented to the voters." *Id.* at 464. Conversely, we said:

> [A] matter involves the substance of a ballot issue if it relates to the language in the ballot title itself (specifically, the submission clause) and if it is such that it would be legally impossible for the court adjudicating the ballot title contest to reform or reword the ballot title as—contemplated by the statute—to any constitutionally or statutorily acceptable level. Stated differently, the contest involves the substance of the ballot issue if, regardless of any contest filed before the election, the ballot issue as approved cannot be upheld under the laws or constitution of the state. If the claim alleges that the ballot issue as passed cannot stand under the laws of this state, it is substantive in nature . . . .

Id. at 465 (citations omitted).

¶39 In light of the foregoing, like the district court, we read section 1-11-203.5(1) as conferring only limited jurisdiction on the courts, namely, the jurisdiction to consider ballot title challenges if the challenges are such that the ballot title can be reformed to comply with constitutional requirements. Such a reading is fully consistent with section 1-11-203.5(3), which provides the remedy to be imposed if the court finds that the order of the ballot or form or content of the ballot title does not conform to constitutional or statutory requirements: "the court shall provide in its order the text of the corrected ballot title or the corrected order of the measures to be placed upon the ballot."

¶40 Accordingly, a single subject violation, which, by its nature, cannot be remedied by judicial reformation, is not the type of challenge contemplated by

section 1-11-203.5(1). A clear expression violation, in contrast, may, depending on the nature of the challenge, be amenable to judicial reformation, and, if so, this is the type of question over which a court may exercise jurisdiction.

¶41 In reaching this conclusion, we are not persuaded by petitioners' contention that *Cacioppo* is inapposite because that case involved a local ballot measure to which the single subject requirement did not apply. Although petitioners' recitation of the facts of *Cacioppo* is correct, in that case, we expressly construed the meanings of the operative terms in section 1-11-203.5(1), including particularly the phrase "form or content of any ballot title." *Cacioppo*, 92 P.3d at 463–65. Indeed, at the very outset of our analysis, we noted that to determine whether section 1-11-203.5 was constitutional, we needed to resolve the meanings of various terms in that statute. *Id.* at 457. Accordingly, we do not agree that *Cacioppo* is as limited as petitioners assert. Nor do we agree that it has no bearing on the issues now before us. The terms set forth in that statute cannot have different meanings in different factual contexts.

¶42 We likewise are unpersuaded by petitioners' argument that all single subject and clear expression challenges necessarily implicate the form and content of the ballot title at issue. Such an assertion ignores the distinction between substantive challenges and form or content challenges that we delineated at some length in

Cacioppo. It also effectively reads out of section 1-11-203.5(1) the limitation on courts' jurisdiction that the General Assembly imposed.

¶43 Accordingly, we conclude that the district court lacked, and we lack, subject matter jurisdiction to consider petitioners' single subject challenges to SB 303 and Proposition HH at this point in the proceedings, and we therefore will not consider—and we express no opinion on—the merits of such challenges.

¶44 The question remains whether we have jurisdiction to consider any of petitioners' clear expression challenges. We turn to that issue next.

C. Clear Expression Claims

¶45 In his briefs in this court, the Governor concedes that section 1-11-203.5(1) confers jurisdiction on this court to consider "some" of petitioners' clear expression claims. The Governor, however, never identifies which of petitioners' clear expression claims he perceives are within our jurisdiction. Because we believe that each of the clear expression claims that petitioners appear to be pursuing in this court are at least potentially amenable to judicial reformation, we will consider all of those claims, after setting out the governing legal principles.

¶46 As noted above, article V, section 21 of our constitution provides, in pertinent part, "No bill, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title."

¶47 The clear expression requirement of this provision is satisfied if the legislation is germane, relevant, and appropriate to the general subject set forth in the title. *Parrish*, 758 P.2d at 1363; *People v. Sa'ra*, 117 P.3d 51, 58 (Colo. App. 2004). In this context, the word "germane" means "closely allied," "appropriate," or "relevant." *Parrish*, 758 P.2d at 1363 (quoting *Dahlin v. City & Cnty. of Denver*, 48 P.2d 1013, 1013 (Colo. 1935)); *Sa'ra*, 117 P.3d at 58.

¶48 We thus stated long ago:

> The matter covered by legislation is to be "clearly," not "dubiously" or "obscurely," indicated by the title. Its relation to the subject must not rest upon a merely possible or doubtful inference. The connection must be so obvious as that ingenious reasoning, aided by superior rhetoric, will not be necessary to reveal it. Such connection should be within the comprehension of the ordinary intellect, as well as the trained legal mind. Nothing unreasonable in this respect is required, however, and a matter is clearly indicated by the title, when it is clearly germane to the subject mentioned therein.

Breene, 24 P. at 4.

¶49 Consistent with these settled principles, a title need not express all of an act's provisions or the details by which the act's objects are to be accomplished. *Sa'ra*, 117 P.3d at 58. Indeed, we have long maintained that the generality of a title is no objection to that title, as long as the title is not made a cover to legislation that is incongruous in itself and that could not fairly be read as being comprised of provisions that are necessarily or properly connected to the title's subject matter. *See Breene*, 24 P. at 4.

¶50 Nor is it essential that a title specify particularly every subdivision of the general subject. *Id.* To the contrary, "Such a requirement would lead to surprising and disastrous results" because many titles would become "absurdly prolix." *Id.* Accordingly, "[a]n appropriate general title which is broad enough to include all the subordinate matters considered is safer and wiser than an enumeration of several subordinate matters in the title." *Parrish*, 758 P.2d at 1363.

¶51 A perfect title is unnecessary. *In re Title, Ballot Title & Submission Clause for 2015–2016 #156*, 2016 CO 56, ¶ 10, 413 P.3d 151, 153. Rather, the goals of the clear expression requirement are to "prevent voter confusion and ensure that the title adequately expresses the [legislation's] intended purpose," so that voters can intelligently decide whether to support the proposal. *Id.* at ¶ 11, 413 P.3d at 153.

¶52 Turning then to the facts before us, as noted above, petitioners assert four clear expression challenges to Proposition HH. They contend that that proposition (1) provides no detail on the rate or amount of property tax reductions it proposes; (2) does not mention that it is a referendum on HB 1311 or that it would authorize an appropriation for rental assistance; (3) uses "confusing and obfuscating language" in connection with its modifications to certain TABOR provisions, including using the term "State Surplus," rather than the allegedly standard language, which asks whether the state may keep, retain, or spend excess TABOR funds; and (4) does not mention the new funding for the State Education Fund,

which petitioners contend exceeds amounts necessary to compensate for the loss of property tax revenue. We reject each of these contentions in turn.

¶53 First, petitioners' assertion as to the alleged lack of detail on the rate or amount of the proposed property tax reductions is nothing more than an assertion that the title could be more specific and expansive. As noted above, however, a title need not express all of the act's provisions or the details by which the act's objects are to be accomplished. *Sa'ra*, 117 P.3d at 58. It suffices if the legislation is germane, relevant, and appropriate to the general subject set forth in the title, *Parrish*, 758 P.2d at 1363; *Sa'ra*, 117 P.3d at 58, and if the legislation adequately expresses the legislation's intended purpose and will not cause voter confusion, *In re 2015–2016 #156*, ¶ 11, 413 P.3d at 153. In our view, Proposition HH satisfies this standard here. The title alerts voters to the general object to be accomplished, and we perceive nothing in the title that would mislead a voter of ordinary intellect as to the title's purpose.

¶54 Moreover, as the Governor asserts, setting forth all of the details that petitioners seek to add would result in a prolix title that would likely create, rather than prevent, voter confusion. This is particularly true here, where petitioners' proposed revisions are themselves incomplete, including some but not all of the measure's implementation details.

¶55 Second, regarding petitioners' assertion that Proposition HH does not mention that it is allegedly a referendum on HB 1311 or that it would authorize an appropriation for rental assistance, the latter is simply an assertion that the title could provide more detail. As noted above, however, the lack of the level of detail that petitioners prefer does not render the title unclear. And as to petitioners' assertion regarding HB 1311, Proposition HH does not concern itself with HB 1311, and petitioners point to no authority supporting their contention that a ballot title must disclose the impact that it may have on the implementation of separate legislation.

¶56 Third, petitioners' assertion that Proposition HH uses "confusing and obfuscating language" in connection with its modifications to certain TABOR provisions (including using the term "State Surplus," rather than the allegedly standard language, "may the state keep/retain and/or spend excess TABOR funds") amounts to nothing more than a quibble with the language of the title. Petitioners point to no applicable authority supporting their contention that their preferred language is mandatory, and we have seen no such authority. Nor do we perceive anything unclear or misleading in the language that the General Assembly chose to employ here. The fact that petitioners might have written the language differently (or even in a way that we think would be more precise or more clear) is not dispositive. As noted above, the language need only be

germane, relevant, and appropriate to the general subject set forth in the title, and the matter covered by the legislation need only be clearly, and not dubiously or obscurely, indicated by the title. *Parrish*, 758 P.2d at 1363; *Breene*, 24 P. at 4; *Sa'ra*, 117 P.3d at 58. We have little difficulty concluding that Proposition HH satisfies this standard, notwithstanding the fact that petitioners would have drafted that proposition differently.

¶57 Finally, as to petitioners' assertion that Proposition HH violates the clear expression requirement because it does not mention the new funding for the State Education Fund, which petitioners contend exceeds amounts necessary to compensate for lost property tax revenue, this is simply another instance of petitioners' contending that the title should contain more specificity as to how it will compensate for lost property tax revenues. For the reasons set forth above, however, such detail is neither necessary nor necessarily desirable, and the absence of such detail does not cause Proposition HH to run afoul of our constitution's clear expression requirement.

¶58 Accordingly, like the district court, we conclude that Proposition HH does not violate our constitution's clear expression requirement and need not be reformed.

III. Conclusion

¶59 For these reasons, we conclude that the district court did not have, and we do not have, subject matter jurisdiction to review either SB 303 or Proposition HH for compliance with our constitution's single subject requirement unless and until those measures have been approved by Colorado voters. We further conclude that although we have jurisdiction to consider petitioners' clear expression challenges to Proposition HH, at least to the extent that any defects in the title are amenable to judicial reformation, petitioners have not carried their burden of establishing that Proposition HH violates the applicable clear expression requirement.

¶60 Accordingly, we affirm the portions of the district court's judgment concluding that the court lacked jurisdiction to consider petitioners' single subject claims and denying petitioners' requested relief on their clear expression claims, and we vacate the portions of the district court's judgment conditionally deciding the merits of petitioners' single subject claims. We express no opinion on the merits of petitioners' single subject claims.