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CLERK OF THE COMBINED COURT
ARAPAHOE COUNTY, COLORADO

**DISTRICT COURT, ARAPAHOE
COUNTY, COLORADO**

**Arapahoe County Justice Center
7325 S. Potomac Street
Centennial, Colorado 80112**

▲ COURT USE ONLY ▲

Petitioner: JEFFREY BROWN, an eligible
elector,

Case Number: _____

Division: _____

Courtroom: _____

v.

Respondents: CITY OF AURORA,
COLORADO; KADEE RODRIGUEZ, in her
official capacity as Aurora City Clerk and
Designated Election Official;

ARAPAHOE COUNTY CLERK AND
RECORDER, Joan Lopez in her official
capacity;

Petitioner Pro Se:
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Aurora, CO 80016
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**VERIFIED PETITION UNDER C.R.S. § 1-1-113 FOR ORDER REQUIRING
SUBSTANTIAL COMPLIANCE WITH COLORADO ELECTION LAW AND
REQUEST FOR EXPEDITED EMERGENCY RELIEF**

**EXPEDITED ELECTION MATTER — TABOR NOTICES SCHEDULED FOR
MAILING OCTOBER 2, 2026**

Petitioner Jeffrey Brown, appearing pro se, respectfully petitions this Court pursuant to C.R.S. §
1-1-113 and states as follows:

I. INTRODUCTION

1. This is an expedited pre-election proceeding concerning the TABOR ballot issue notice
being prepared and distributed to City of Aurora electors for the November 3, 2026 election.

2. The City of Aurora referred three sales and use tax ballot issues to its electors: Ballot Issue 3A concerning Community Facilities, Ballot Issue 3B concerning Public Safety Infrastructure and Facilities, and Ballot Issue 3C concerning Transportation Infrastructure and Facilities.

3. Petitioner is an eligible elector of the City of Aurora residing in Arapahoe County.

4. Petitioner timely submitted written comments opposing the ballot issues for consideration in preparation of the TABOR ballot issue notice.

5. Article X, § 20(3)(b)(v) of the Colorado Constitution provides for ballot issue notices containing summaries, up to 500 words each, of written comments for and against a proposal.

6. C.R.S. § 1-7-903 requires the designated election official, for referred measures, to summarize the filed comments in favor of and in opposition to the ballot issue.

7. The City of Aurora's published collective opposition summary is approximately 90 words long.

8. Although the summary generally states that some commenters favor private investment, public-private partnerships, and economic growth to expand Aurora's tax base rather than relying on tax increases, it omits materially distinct relevant arguments timely submitted by Petitioner.

9. Among the omitted arguments are the magnitude of Aurora's identified infrastructure needs, the limited portion of those needs addressed by the three measures, Aurora's decade-old retail-activity-per-resident benchmark, the need to update and regularly publish that benchmark, the establishment of a measurable economic-performance objective, and the relationship between regional visitor spending and expansion of Aurora's retail tax base.

10. Petitioner does not contend that TABOR requires publication of his comments verbatim or guarantees him 500 words in the notice.

11. Petitioner also does not ask this Court to determine whether his political arguments are persuasive.

12. Petitioner seeks enforcement of the designated election official's statutory duty to summarize the relevant filed opposition comments and the constitutional requirement that relevant written comments be accurately summarized.

13. Emergency relief is necessary because the TABOR notices are scheduled to be mailed beginning October 2, 2026.

II. PARTIES

14. Petitioner Jeffrey Brown is a registered and eligible elector of the City of Aurora, Colorado, and resides in Aurora Ward VI in Douglas County.

15. Respondent City of Aurora is a Colorado home-rule municipality and political subdivision subject to Article X, § 20 of the Colorado Constitution and applicable provisions of the Colorado Election Code.

16. Respondent Kadee Rodriguez is the Aurora City Clerk and the City's designated election official and is sued solely in her official capacity.

17. The City of Aurora identifies its City Clerk as its designated election official and states that the City Clerk prepares the official TABOR notice.

18. Respondent Arapahoe County Clerk and Recorder Joan Lopez is sued solely in her official capacity.

19. Aurora participates in the November 3, 2026 coordinated election with Arapahoe, Adams, and Douglas Counties.

20. Aurora states that its City Clerk prepares the official TABOR notice and that the counties mail a copy to households containing active registered voters and post the notice on their respective websites.

21. Petitioner does not allege that the County Clerk Respondents prepared the challenged opposition summary or committed the alleged summarization violation.

22. The County Clerk Respondents are joined because complete and effective emergency relief concerning printing, mailing, posting, or distribution of the challenged TABOR notice may require action by the coordinating counties.

III. JURISDICTION AND VENUE

23. This Court has jurisdiction pursuant to C.R.S. § 1-1-113.

24. Section 1-1-113 authorizes an eligible elector to file a verified petition in a district court of competent jurisdiction alleging that a person charged with a duty under the Colorado Election Code has committed or is about to commit a breach or neglect of duty or other wrongful act.

25. Upon notice and an opportunity to be heard, and upon a finding of good cause, § 1-1-113 directs the district court to issue an order requiring substantial compliance with the Election Code.

26. The statute authorizes the Court to require a person charged with an election duty to perform that duty, desist from a wrongful act, or show cause why the Court's order should not be obeyed.

27. The burden of proof is upon Petitioner.

28. C.R.S. § 1-1-113 further provides that, except as otherwise provided by law, its procedure is the exclusive method for adjudicating controversies arising from a breach or neglect of duty or other wrongful act occurring before election day.

29. Petitioner's claim arises from the summarization duty imposed by C.R.S. § 1-7-903 in connection with preparation of a TABOR ballot issue notice.

30. Venue is proper in Arapahoe County because Petitioner resides in Arapahoe County; the City of Aurora's principal municipal offices are located in Arapahoe County; the designated election official performs official duties there; and the challenged election materials are being prepared for distribution to Aurora electors, including electors residing in Arapahoe County.

IV. FACTUAL ALLEGATIONS

31. The City of Aurora referred three sales and use tax ballot issues to the November 3, 2026 ballot.

32. Ballot Issue 3A concerns a dedicated sales and use tax for Community Facilities.

33. Ballot Issue 3B concerns Public Safety Infrastructure and Facilities.

34. Ballot Issue 3C concerns a dedicated sales and use tax for Transportation Infrastructure and Facilities.

35. Pursuant to TABOR and Colorado election law, Aurora provided registered electors an opportunity to submit written comments for and against the three ballot issues.

36. Aurora accepted those comments from September 1 through noon on September 18, 2026.

37. Aurora informed electors that only comments from registered electors of the City would be included in the summaries.

38. Petitioner timely submitted opposition comments concerning the ballot issues.

39. Petitioner's comments did not merely express generalized opposition to taxes.

40. Petitioner's comments raised a distinct long-term fiscal and economic argument concerning the relationship between the proposed tax increases and Aurora's underlying retail tax base.

41. Among other matters, Petitioner stated that Aurora has identified more than \$2 billion in priority infrastructure needs.

42. Petitioner stated that the projects funded through the three proposed measures represent only approximately 13 percent of those identified priority infrastructure needs.

43. Petitioner therefore raised the distinct question of how Aurora intends to finance its remaining long-term infrastructure needs.

44. Petitioner further addressed Aurora's underlying retail tax base.

45. Petitioner's comments referred to a decade-old benchmark concerning Aurora's retail activity per resident.

46. Petitioner argued that the City should update that benchmark.

47. Petitioner argued that the City should publish the benchmark regularly with the City budget.

48. Petitioner proposed that the City establish a measurable objective of reaching at least the per-resident average of Colorado cities in retail activity.

49. Petitioner's comments further explained the significance of visitor spending to the retail-activity-per-resident measure.

50. Petitioner argued that Aurora should increase its regional draw so that persons from outside Aurora spend money at Aurora restaurants, hotels, stores, entertainment venues, and other businesses.

51. Petitioner argued that such outside spending could expand Aurora's retail tax base and thereby contribute additional revenue toward municipal services and infrastructure.

52. Petitioner identified private investment and public-private partnerships as tools that could be used to increase regional draw while limiting the City's financial exposure.

53. Petitioner identified destination entertainment, including a major concert and entertainment venue, as one example of such a strategy.

54. These propositions constituted substantive and materially distinct arguments concerning the proposed tax increases and Aurora's alternative or complementary long-term fiscal strategy.

V. THE PUBLISHED OPPOSITION SUMMARY

55. The opposition summary prepared for publication states: "Opponents state that the proposed sales tax increase would add to residents' financial burdens amid rising costs for housing, food, fuel, utilities, and property taxes. Some commenters argue that infrastructure costs should be shared more by developers and facility users through higher development or user fees. Others favor private investment, public-private partnerships, and economic growth to expand Aurora's tax base rather than relying on tax increases. Additional concerns include city spending priorities, transparency and accountability, the public-engagement process, library and facility

investments, infrastructure planning, and whether the proposed projects represent the city's highest priorities.”

56. The entire published opposition summary is approximately 90 words.

57. The summary includes a general reference to private investment, public-private partnerships, economic growth, and expansion of Aurora's tax base.

58. It does not summarize Petitioner's quantitative argument that the three measures address projects equal to approximately 13 percent of the City's more than \$2 billion in identified priority infrastructure needs.

59. It does not summarize Petitioner's corresponding argument concerning the City's long-term strategy for addressing the remainder of those identified needs.

60. It does not summarize the decade-old retail-activity-per-resident benchmark.

61. It does not summarize Petitioner's argument that the benchmark should be updated.

62. It does not summarize Petitioner's proposal that the benchmark be regularly published with the City's budget.

63. It does not summarize Petitioner's proposed measurable objective of reaching at least the per-resident average of Colorado cities in retail activity.

64. It does not summarize Petitioner's explanation of the relationship between regional draw, visitor spending, and expansion of Aurora's retail tax base.

65. It does not summarize destination entertainment as an example of a public-private economic-development strategy designed to attract outside spending.

66. These omissions are not attributable to exhaustion of TABOR's 500-word maximum because the published opposition summary uses only approximately 90 words.

67. Petitioner does not object merely because the election official shortened, edited, combined, or paraphrased the submitted opposition comments.

68. Petitioner recognizes that the designated election official must exercise judgment in combining multiple submissions into a single summary.

69. Petitioner's claim instead concerns whether a collective summary that entirely omits materially distinct relevant arguments constitutes substantial compliance with the statutory and constitutional summarization requirements.

VI. IMMINENT DISTRIBUTION

70. Aurora states that its City Clerk prepares the official TABOR notice and that the coordinating counties mail the notice.

71. Aurora participates in coordinated elections with Arapahoe, Adams, and Douglas Counties.

72. The TABOR notices at issue are scheduled to be mailed beginning October 2, 2026.

73. The October 2 mailing date is imminent.

74. Once the challenged notices are mailed to Aurora households throughout the three counties, effective corrective relief will become substantially more difficult.

75. The controversy therefore requires immediate judicial consideration.

VII. CLAIM FOR RELIEF

Breach or Neglect of Election Duty Under C.R.S. §§ 1-1-113 and 1-7-903 and Article X, § 20(3)(b)(v)

77. Petitioner incorporates paragraphs 1 through 76 as though fully set forth herein.

79. C.R.S. § 1-7-903 requires the designated election official, for referred measures, to summarize the filed comments in favor of and in opposition to the ballot issue.

80. Article X, § 20(3)(b)(v) of the Colorado Constitution requires ballot issue notices containing summaries of written comments for and against the proposal and provides for the maintenance and accurate summarization of relevant written comments.

81. Colorado appellate authority recognizes that the election official responsible for preparing a TABOR ballot issue notice must accurately summarize relevant written comments.

82. Petitioner's timely submitted comments concerning the proportion of Aurora's identified infrastructure needs addressed by the measures, the long-term funding question, retail activity per resident, benchmarking, measurement, regional draw, visitor spending, and tax-base expansion were relevant to the proposed tax increases.

83. The designated election official was not required to reproduce Petitioner's comments verbatim.

84. Nor was the designated election official required to use the entire 500 words constitutionally permitted for an opposition summary.

85. The designated election official was, however, required to perform the statutory summarization duty in substantial compliance with the Colorado Election Code.

86. The challenged approximately 90-word collective opposition summary omits materially distinct relevant arguments despite substantial unused capacity within TABOR's 500-word limitation.

87. Petitioner therefore alleges that the designated election official has breached or neglected the statutory summarization duty imposed by C.R.S. § 1-7-903 and has failed to substantially comply with applicable election-law requirements.

88. Unless corrected immediately, the challenged summary will be distributed to Aurora electors and meaningful pre-election corrective relief may be lost.

VIII. REQUEST FOR EXPEDITED HEARING AND EMERGENCY RELIEF

89. Petitioner requests immediate consideration of this matter pursuant to C.R.S. § 1-1-113.

90. The controversy concerns election materials scheduled for distribution beginning October 2, 2026.

91. The relevant evidence is principally documentary and can be reviewed expeditiously, including Petitioner's timely submitted comments and the published opposition summary.

92. Petitioner requests that the Court promptly issue an order to show cause and provide Respondents an immediate opportunity to be heard as contemplated by C.R.S. § 1-1-113.

93. Petitioner further requests that Respondents preserve, to the maximum extent reasonably and legally possible, the ability to correct the challenged opposition summary while this Court considers the Petition.

94. If printing has not been completed, Petitioner requests an order preserving the ability to substitute a corrected notice.

95. If printing has been completed but mailing has not begun, Petitioner requests such narrowly tailored relief as the Court determines is authorized and operationally feasible.