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COLORADO TITLE SETTING BOARD

ELECTIONS / LICENSING
SECRETARY OF STATE

In re Title and Ballot Title and Submission Clause Set For Initiative 2005-06 #109

MOTION FOR REHEARING

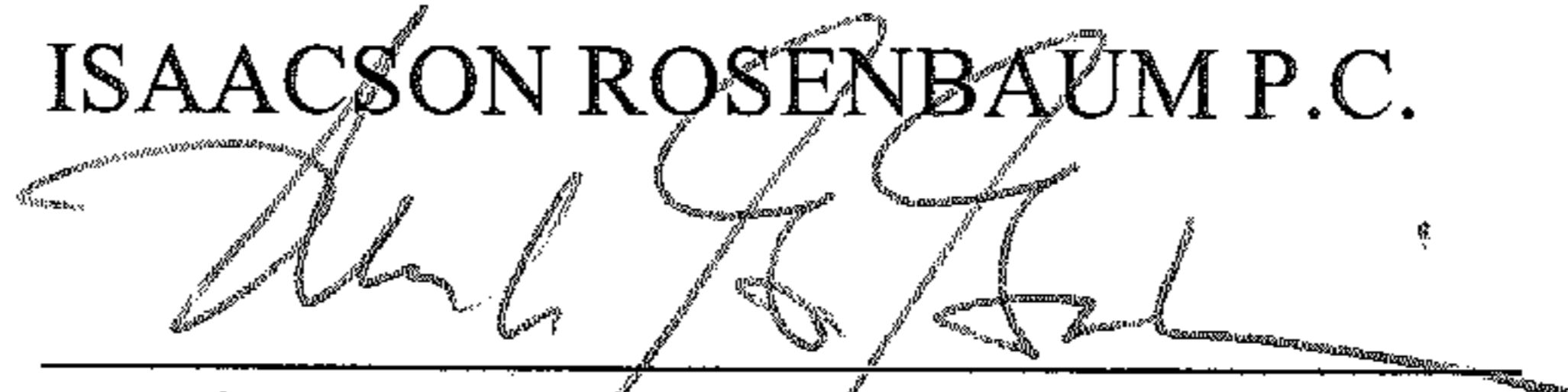
On behalf of Jean Dubofsky and Patrick Steadman, registered electors of the State of Colorado, the undersigned moves for a rehearing of the title and ballot title and submission clause set for Initiative 2005-06 #109 on May 17, 2006.

A. The ballot title violates the single subject requirement because the phrase, "similar to marriage," is so broad and so vague that it necessarily will mean different things to different voters. As such, voters will not comprehend the scope or nature of this measure and may unintentionally vote to prohibit the state and its political subdivisions from recognizing a wide variety of legal relationships that are generally accepted today. While proponents of an initiative have latitude in crafting their measure, they cannot use key phrases that defy common understanding and have the effect of surreptitiously changing current law. In the Matter of the Title, Ballot Title and Submission Clause, and Summary for Initiative 1999-2000 #25, 974 P.2d 458, 467 (Colo. 1999) (Title Board must be able to discern the consequences of a measure in order for it to find that the measure reflects a single subject); § 1-40-106.5(1)(e)(II), C.R.S. (single subject requirement intended to prevent surreptitious measures from being presented to voters and to prevent surprise and fraud from being practiced upon voters).

B. Initiative #109 is centered around a purposefully obscure phrase, "similar to marriage," and the ballot title which merely repeats this phrase is misleading and does not accurately or fairly relate the legal changes flowing from adoption of this initiative. In the Matter of the Title, Ballot Title and Submission Clause, and Summary for Initiative 1999-2000 #29, 972 P.2d 257, 268 (Colo. 1999) (clear ballot title cannot be set where a ballot measure contains a "material ambiguity or concealed intent" in connection with one of its central provisions); § 1-40-106(3)(b), C.R.S. (voters must be able to understand the "effect of a 'yes' or 'no' vote").

Respectfully submitted this 24th day of May, 2006.

ISAACSON ROSENBAUM P.C.



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CERTIFICATE OF SERVICE

I hereby certify that on the 24 th day of May, 2006, a true and correct copy of the foregoing **MOTION FOR REHEARING** was sent via facsimile device to the following:

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