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ELECTIONS / LICENSING
SECRETARY OF STATE

BALLOT TITLE BOARD

MOTION FOR REHEARING

IN RE PROPOSED INITIATIVE 2005-2006 #123 ("GOVERNMENT WAGE DEDUCTIONS FOR POLITICAL PURPOSES")

Nora Bashir ("Petitioner"), being a registered elector of the State of Colorado, through her undersigned counsel, respectfully submits the following Motion for Rehearing, pursuant to C.R.S. §1-40-107(1), concerning the actions of the Title Board at the hearing on May 17, 2006 regarding Proposed Initiative 2005-2006 #123 ("Government Wage Deductions for Political Purposes"). Petitioner requests a rehearing with regard to the following issues:

1. The Board lacks jurisdiction to set a title for this initiative as it contains multiple subjects in violation of Colo. Const. art. V, §1(5.5) and C.R.S. §1-40-106.5. Specifically, the initiative seeks to amend both the Colorado Constitution and a provision of the Colorado Revised Statutes within a single measure.
2. The title is misleading in that it does not clearly disclose that the prohibitions of deductions from government employee wages of dues or other moneys applies to the use of such moneys for federal and local as well as state political purposes.
3. The title is misleading in that it does not clearly disclose that the term "political purpose" includes electioneering communications that may not have the purpose of influencing or attempting to influence the selection, nomination, retention, or appointment of an individual to a public office.

4. The title is misleading in that it does not clearly disclose that the term "political purpose" includes expenditures relating to an office, including an office in a political organization, that would qualify as an ordinary and necessary business expense if incurred by an individual.

5. The title is misleading in that it does not clearly disclose the prohibition of deductions from government employee wages of dues or other moneys to be transferred to labor organizations to the extent that such moneys are to be used for a political purpose.

6. The title is misleading in that it does not clearly disclose the affirmative authorization of deductions from government employee wages of dues or other moneys that are not to be used for a political purpose.

7. The title is misleading in that it does not clearly disclose the prohibition of deductions from government employee wages of amounts to be paid directly or indirectly to persons or organizations, other than those specifically enumerated in the title, that spend or collect money for a political purpose.

8. The title is misleading in that it does not disclose that fines paid as a result of violations of the wage deduction prohibitions are to be excluded from revenue and spending figures for purposes of Colo. Const. art. X, § 20(7) and § 20(8).

9. The title is misleading in that it fails to disclose which aspects of the proposed initiative would be effectuated through a constitutional amendment and which aspects would be effectuated through an amendment to the Colorado Revised Statutes.

Respectfully submitted this 24th day of May, 2006.

ISAACSON ROSENBAUM P.C.

By: 

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CERTIFICATE OF SERVICE

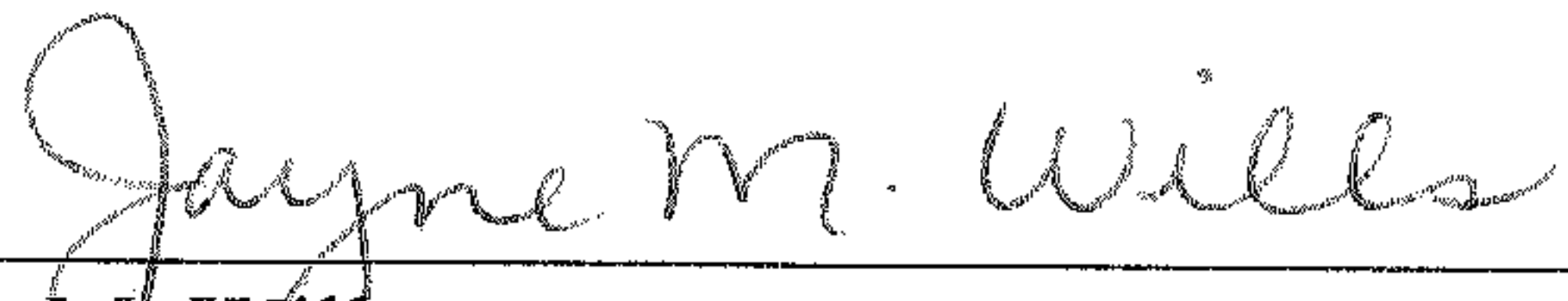
I HEREBY CERTIFY that on this 24th day of May, 2006, a true and correct copy of the foregoing **MOTION FOR REHEARING** was placed in the United States mail, postage prepaid, to the following:

John C. Berry
6457 South Potomac Court
Centennial, CO 80111

Mary Woodard
191 University Boulevard, #352
Denver, CO 80206

and sent via facsimile to the following:

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Jayne M. Wills