

COLORADO TITLE SETTING BOARD

In re Title and Ballot Title and Submission Clause Set For Initiative 2005-06 #93

MOTION FOR REHEARING

On behalf of the Public Employees' Retirement Association ("PERA"), a statutorily created association comprised of individuals including thousands of registered electors of the State of Colorado, and Meredith Williams, David F. Maurek, Jennifer Paquette, James Kim Natale, and Gregory Smith, who are registered electors of the State of Colorado as well as officers and members of PERA and in whose name this Motion is also filed, the undersigned hereby moves for a rehearing of the title, ballot title and summary for Initiative 2005-06 #93, set at the Title Board hearing held on April 5, 2006.

A. In violation of Colo. Const., art. V, sec. 1(5.5), Initiative #93 comprises multiple subjects, including the reformatting of the board of trustees and creation of an additional retirement investment option, creating a role for the Office of State Planning and Budget that is unrelated to the board of trustees or specific investment options, a mandated appropriation by the Colorado General Assembly for OSPB's administrative oversight of PERA which will bring about an attendant reduction in funding of other state programs, and the conversion of PERA from a service authority to a programmatic element of the Governor's Office.

B. In violation of § 1-40-106, C.R.S., the Petitioners also allege that the title set by the Board is misleading, inaccurate, or incomplete for the following reasons.

1. The titles do not refer to the effective date of the abolition of the existing board of trustees, which date precedes the effective date of the remaining provisions of the measure, and therefore will cause voter confusion.

2. The titles do not refer to the fact that the terms of existing board members are terminated before their scheduled expiration dates.

3. The title's reference to "creating a new board of trustees in the governor's office of state planning and budget" does not communicate the new, substantive authority given to OSPB's to provide administrative direction to PERA.

4. The titles do not refer to the mandated funding by the Colorado General Assembly of "administrative oversight" of PERA by OSPB.

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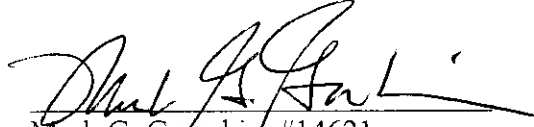
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ELECTIONS / LICENSING
SECRETARY OF STATE

1250051-1

Respectfully submitted this 12th day of April, 2006.

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CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of April, 2006, a true and correct copy of the foregoing **MOTION FOR REHEARING** was placed in the United States mail, postage prepaid, to the following:

Richard Westfall, Esq.
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A handwritten signature in cursive script, reading "Ellen H. Pugga", is written over a horizontal line.