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ELECTIONS  
SECRETARY OF STATE

May 28, 2008

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**VIA HAND DELIVERY**

The Honorable Mike Coffman  
Colorado Secretary of State  
1700 Broadway  
Denver, CO 80290

**RE: Request for Hearing**

Dear Secretary Coffman:

Please find enclosed a Motion for Rehearing on Initiative 2007-2008 #103.

As you know, § 1-40-107(1) requires that the hearing be conducted within 48 hours. I am unavailable on May 30, 2008 and therefore request that the rehearing be held tomorrow, May 29, 2008.

Best regards,



Jason Dunn

Enclosure

cc: Bill Hobbs (via email)  
Blain Myhre, Esq., (Counsel to Proponents) (via email)

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MAY 28 2008

ELECTIONS  
SECRETARY OF STATE

COLORADO TITLE SETTING BOARD

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IN THE MATTER OF THE TITLE AND BALLOT TITLE AND SUBMISSION CLAUSE  
FOR INITIATIVE 2007-2008 #103

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**MOTION FOR REHEARING**

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On behalf of Robert Golden, a registered elector of the State of Colorado, the undersigned counsel hereby submits this Motion for Rehearing in the above referenced matter, and as grounds therefore states as follows:

**I. The proposed measure contains at least five unrelated subjects.**

The measure contains at least four additional, distinct subjects that are wholly unrelated to the Proponents stated subject of increasing the quantity of affordable housing units in Colorado. These additional separate subjects include:

1. Funding for a wide range social programs, including mental health services, HIV/AIDS treatment, healthcare, child care, alcohol treatment, and drug treatment;
2. Funding for foreclosure prevention programs and related services;
3. Funding for homelessness prevention programs and related social services;
4. A new constitutional definition of "affordable housing" not used anywhere in the measure nor necessary to its provisions.

**II. The title includes impermissible catch phrases.**

The phrases "affordable housing" and "affordable housing purposes" in the title are impermissible catch phrases that imply a limited scope to the measure that belies the vast range of social programs covered by the measure.

**III. The title is misleading.**

1. The title does not communicate that the entire revenue stream may be used to fund social programs such as drug and alcohol treatment, job training, child care, treatment of mental illness, support for people with HIV/AIDS, and support for people with physical disabilities.

2. The title does not disclose that up to 100% of the tax proceeds can be used to fund foreclosure and homelessness prevention programs. Such potential uses are unrelated to

affordable housing and should be disclosed in the title.

3. The title refers to the tax as \$.04 on each \$100, but the vast majority of real estate transactions in Colorado are residential and average \$200,000 to \$300,000. A more appropriate way to describe the tax is being "\$40 per \$100,000 of consideration."

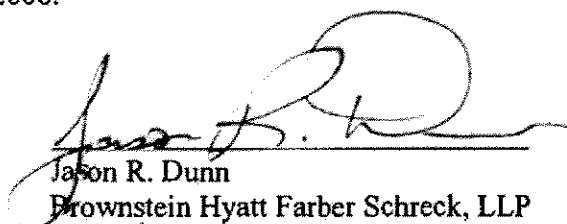
4. The title refers to each \$100 "paid," but the measure contemplates any form of consideration, which might be cash, credit, personal or real property, forbearance, etc. The title should therefore reflect those alternative types of payments.

5. The title does not disclose that up to 100% of the tax proceeds can be used to fund large scale energy efficiency improvements such as solar panel fields, biomass projects or thermal energy projects.

6. The title does not reflect that the measure authorizes the state to enter into loans as a means of subsidizing affordable housing projects and the vast array of social programs covered by the measure. Such lending is typically a high risk venture that voters should be made aware of in the title.

Because the proposed measure contains multiple subjects the Title Board lacks jurisdiction to set a title. To the extent the Board determines that it does have jurisdiction to set a title, the title as set is misleading and contains catch phrases. Accordingly, the petitioner requests that the Motion for Rehearing be granted and the Board reject the measure, or, alternatively, amend the title consistent with the concerns expressed above.

Respectfully submitted May 28, 2008.



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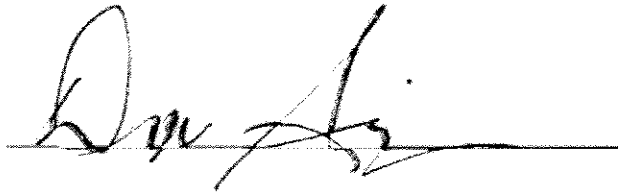
Address of Petitioner:  
309 Inverness Way South  
Englewood, CO 80112

**CERTIFICATE OF SERVICE**

I hereby certify that on May 28, 2008, a true and correct copy of the foregoing MOTION FOR REHEARING was **emailed** to the following with a hard copy placed in the United States mail, postage prepaid:

Blain Myhre, Esq.  
Isaacson Rosenbaum, P.C.  
633 17<sup>th</sup> Street, #2200  
Denver, Colorado 80202  
**bmyhre@ir-law.com**

Attorneys for Proponents

A handwritten signature in black ink, appearing to read "Blain Myhre", is written over a horizontal line. The signature is cursive and stylized.