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MAY 28 2008

C. H. KAPLAN  
A.

COLORADO TITLE SETTING BOARD  
ELECTIONS  
SECRETARY OF STATE

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In re Title and Ballot Title and Submission Clause for Initiative 2007-2008 #124

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**MOTION FOR REHEARING**

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On behalf of Julian Jay Cole, a registered elector of the State of Colorado, the undersigned hereby moves for a rehearing of the title, ballot title, and submission clause for Initiative 2007-2008 #124 "Conditions of Employment", set by the Title Board on May 21, 2008. As grounds, Cole states as follows:

The Title Board does not have jurisdiction to set a title because the final version of the initiative, as filed with the Title Board, contains a substantive change from the version of the initiative filed with legislative council and the office of legislative legal services, and the change was not properly in response to a comment from legislative council and the office of legislative legal services in violation of C.R.S. § 1-45-105(2).

The proposed initiative violates Colorado's single subject requirement contained in C.R.S. § 1-40-106.5 because it contains the following separate subjects:

1. The initiative states what cannot be defined as a labor organization.
2. The initiative states that an employer cannot, as a condition of employment, belong to an undefined category of organizations labeled "labor organizations."
3. The initiative purports to apply to all current or future usages of the term "labor organization" in Article XVIII of the Colorado Constitution, regardless of the manner in which the term "labor organization" may be used in that Article.
4. The initiative creates new rules for resolving conflicts between this initiative and other initiatives appearing on the 2008 statewide ballot.

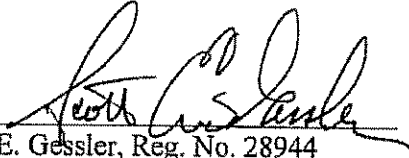
The title set by the Board is misleading, inaccurate, and incomplete for the following reasons:

1. The title misleadingly states that it applies to participation to "certain" organizations as a condition of employment, when in fact the initiative does not apply to "certain" organizations.
2. The title is confusingly similar to the title for Proposed Initiative No. 41, currently

certified for the ballot as Amendment 47.

3. The title is confusingly similar to the title for Proposed Initiative No. 123.
4. The title is misleading, because it states that the single subject concerns participation in certain organization as a condition of employment, when in fact the single subject of the initiative is to redefine the term "labor organization" in a manner contrary to previous definitions and contrary to normal language usage.
5. The title is misleading, because the initiative does not define a labor organization, but rather defines what a labor organization is not.
6. The title is incomplete and misleading, because it does not inform voters that the use of the term "labor organization" directly contradicts other usages of the term in Colorado law.

Respectfully submitted this 28th day of May, 2008.

By:   
Scott E. Gessler, Reg. No. 28944  
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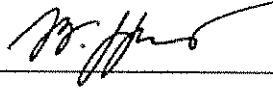
Attorney for Julian Jay Cole

Address of Petitioner:  
18977 W. 55th Cir.  
Golden, CO 80403

**CERTIFICATE OF SERVICE**

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

Mark Grueskin, Esq.  
Isaacson Rosenbaum P.C.  
633 17<sup>th</sup> Street  
Suite 2200  
Denver, Colorado 80202



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**Cesiah Gomez**

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**From:** Barbora Hurd [bhurd@hackstaffgessler.com]  
**Sent:** Wednesday, May 28, 2008 4:49 PM  
**To:** Cesiah Gomez  
**Cc:** 'Scott Gessler'; general@hackstaffgessler.com  
**Subject:** Motions for Rehearing (#113, #123, #124)  
**Attachments:** Motions for Rehearing 113, 123, 124.pdf

Dear Cesi,

Attached please find motions for rehearing regarding ballot initiative # 113, #123 and #124. The originals will be couriered to your office tomorrow morning. Please do not hesitate to call if you have any questions or need additional information.

Sincerely,

Barbora Hurd  
Paralegal to Scott E. Gessler, Esq.

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