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BALLOT TITLE BOARD
STATE OF COLORADO

MOTION FOR REHEARING

IN RE PROPOSED INITIATIVE 2007-2008 #13

J. Greg Schnacke ("Petitioner"), who is a registered elector of the State of Colorado, respectfully submits this Motion for Rehearing, pursuant to C.R.S. § 1-40-107(1). Petitioner moves for a rehearing of the title, ballot title, and summary for regarding Proposed Initiative 2007-2008 #13, which were set by the Title Board ("Board") on May 2, 2007, and state as follows:

1. The initiative violates the single subject requirement because it contains "at least two distinct and separate purposes which are not dependent upon or connected with each other"—creating a new tax and dedicating the revenues from that tax to certain programs. *In re Proposed Initiative on "Public Rights in Water II"*, 898 P.2d 1076, 1079 (Colo. 1995) ("*Water II*"); *see also* Colo. Const. art. V, § 21. There is no necessary or proper connection between these two purposes, even under the general theme of "tax revenue," and therefore the measure contains more than one subject in violation of Colo. Const. art. V, § 21. *See Water II*, 898 P.2d at 1081 (proposed initiative that adopted the public trust doctrine for the state's waters and imposed certain voting requirements for water conservation districts violated single subject rule even though both purposes related loosely to water).

2. The title fails to inform voters of the measure's true meaning and intent because it fails to disclose the final, full fiscal year dollar increase that will result from the new tax to be established in the Colorado constitution. *See* Colo. Const. art. X, § 20(3)(c).

Respectfully submitted this 8th day of May, 2007.

HOGAN & HARTSON LLP

A handwritten signature in black ink, appearing to be 'S. R. Gallagher', written over a horizontal line.

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ATTORNEYS FOR PETITIONERS

Petitioners' Addresses:

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of May, 2007, a true and correct copy of the foregoing Motion For Rehearing was placed in the United States mail, postage prepaid, to the following:

Megan Ferland
1120 Lincoln Street
Denver, CO 80203

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