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COLORADO TITLE SETTING BOARD

~~ELECTIONS~~
SECRETARY OF STATE

In re Title and Ballot Title and Submission Clause for Initiative 2007-2008 #68

MOTION FOR REHEARING

On behalf of Howard Stanley Dempsey, Jr. 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 #68, set by the Title Board on April 2, 2008.

The Petitioner claims that 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. An increase in the severance tax on oil and gas production in Colorado.
2. Spending mandates that are not dependent upon or necessarily connected with the severance tax increase, or one another.
3. A mandate to create a new state fund, the Land Conservation Fund, as well as new standards and mandates for the dispersal of state funds. The new fund and spending mandates are not dependent upon or necessarily connected with the severance tax increase or other spending mandates.
4. The removal of limitations and restrictions on the State Board of the Great Outdoors Colorado Trust Fund. This expansion in the State Board's discretion and authority is not dependent upon or necessarily connected with the severance tax increase.

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

1. The title is misleading because it substantially understates the size of the tax increase in the first year that the initiative goes into effect.
2. The title fails to identify the percentage of the tax revenues devoted to each new purpose, thereby omitting critical information necessary to allow voters to make an informed choice.

3. The title uses the phrase "preservation of land and water resources," which is an improper catch phrase that works to the proposals favor without contributing to voter understanding.
4. In describing the newly-created fund, the title uses the phrase "clean energy," which is an improper catch phrase that works to the proposal's favor without contributing to voter understanding.

Respectfully submitted this 9th day of April, 2008.

By: 

Scott E. Gessler, Reg. No. 28944
Hackstaff Gessler LLC
1601 Blake St., Suite 310
Denver, Colorado 80202
(303) 534-4317
(303) 534-4309 (fax)
sgessler@hackstaffgessler.com

Attorney for Howard Stanley Dempsey, Jr.

Address of Petitioner:
3110 Alkire St.
Golden, Colorado 80401

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of April, 2008, a true and correct copy of the foregoing **MOTION FOR REHEARING** was placed in the United States mail, postage prepaid, to the following:

Ed Ramey, Esq.
Kara Veitch, Esq.
Isaacson Rosenbaum P.C.
633 17th Street
Suite 2200
Denver, Colorado 80202


