

RECEIVED

APR 09 2008

3:10 pm
AB

COLORADO TITLE SETTING BOARD

In re Title and Ballot Title and Submission Clause for Initiative 2007-2008 #78

ELECTIONS
SECRETARY OF STATE

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 #78, 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; and
2. Spending mandates that are not dependent upon or necessarily connected with the severance tax increase, or one another.

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 is misleading because it inaccurately states that the initiative exempts revenues from tax and related investment income from state and local government spending limits. Specifically, the initiative creates a new section C.R.S. § 39-39-105(3), which refers to subsection 1, paragraph c of that section. In fact, C.R.S. § 39-39-105(1) and C.R.S. § 39-39-105(1)(c) do not exist.
3. 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.

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

