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COLORADO TITLE SETTING BOARD
ELECTIONS

SECRETARY OF STATE

ORIGINAL

IN THE MATTER OF THE TITLE AND BALLOT TITLE AND SUBMISSION CLAUSE
FOR INITIATIVES 2010-2011 #13-#18

MOTION FOR REHEARING

On behalf of Petitioners Tamra Ward and Janice Sinden, registered electors of the State of Colorado, the undersigned counsel submits this Motion for Rehearing in the above referenced matters, and as grounds therefore states as follows:

I. The proposed measures contain at least four unrelated subjects.

In addition to revising the personal and corporate income tax structure, the measures contain at least three distinct subjects wholly unrelated to the Proponents' stated purpose of "improving the fairness of the state income tax system". These separate subjects include:

1. A new and significant requirement prescribing how all future income tax revenue, including all such revenue that would have been received by the State absent this measure, must be allocated;
2. A new and significant limitation on the authority and discretion of the Governor and the General Assembly to freely allocate general fund revenue and to freely propose and adopt an annual budget within the legal constraints in place prior to the enactment of this measure;
3. A new and significant prohibition on the expenditure of income tax revenue (currently 65% of the general fund) on non-residents of Colorado.

II. The titles include an impermissible catch phrase.

The phrase "where those who earn higher incomes are taxed at higher rates" is an impermissible catch phrase that will improperly prejudice voters to support the measure.

III. The titles are misleading.

1. The titles do not adequately inform voters about the nature and extent of the changes to the personal and corporate income tax rates;

2. The titles do not adequately inform voters that the spending of almost all future income tax revenue must be on four specified purposes, and that such limitation is to the exclusion of all other state services and programs;

3. The titles do not adequately reflect that non-residents of Colorado will no longer be eligible to receive any services that are funded by income tax revenue (approximately 60% of the general fund budget);

4. The titles improperly list two prominent features (the repeal of the constitutional single-rate income tax requirement and the TABOR revenue limit override) after other minor features of the measures.

Because the proposed measures contain multiple subjects, the Title Board lacks jurisdiction to set titles. To the extent the Board determines that it does have jurisdiction, the titles as set are misleading and contain at least one impermissible catch phrase. Accordingly, the Petitioners request that the Motion for Rehearing be granted and the Board reject the measures, or, alternatively, amend the titles in such a manner as to reflect the concerns expressed above.

Respectfully submitted this 9th day of March, 2011.



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CERTIFICATE OF SERVICE

I hereby certify that on March 9, 2011, 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:

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Attorneys for Proponents

A handwritten signature in blue ink is written over a horizontal line. The signature is cursive and appears to read "Dee Wiser".