

BEFORE COLORADO STATE TITLE SETTING BOARD

In re Ballot Title and Submission Clause for 2011-2012 Initiatives #67, 68, and 69 (“Citizen Initiative Process”)

PHILIP HAYES, Objector

MOTION FOR REHEARING

Pursuant to C.R.S. § 1-40-107, Objector, Philip Hayes, a registered elector of the State of Colorado, by and through his legal counsel, Heizer Paul Grueskin LLP, is not satisfied with the April 4, 2012 decisions of the Title Board that Initiatives # 67, 68, and 69 comprise a single subject and further that the titles for these proposed ballot measures are fair and that they accurately express the meaning and intent of said measures.

- I. These ballot measures violate the single subject requirement, Colo. Const., art. V, § 1(5.5), including but not limited to the multiple topics of:
 - A. Imposing a constraint on legislative power by creating super-majority requirements for effecting amendments and/or repeals of initiated statutes enacted in the future. Proposed Colo. Const., art. V, sec. 11(1)(d).
 - B. Imposing this limitation on legislative power as to initiated statutes that are enacted at the 2012 election, even where, individually or as a group, they contain multiple, unrelated subjects. *Id.*
 - C. Imposing this limitation on legislative power as to initiated statutes that were enacted at previous elections, even though, individually and as a group, they contained multiple, unrelated subjects. *Id.*; *In re Ballot Title and Submission Clause for Initiative 2001-02 #43*, 46 P.3d 438, 445-48 (Colo. 2002).
 - D. As to #68 and #69, in addition to the above subjects, changing percentages of electors’ signatures required for an initiated statute (3% and 4% respectively). *Id.* at 443-444 (petition procedures is a separate subject.)

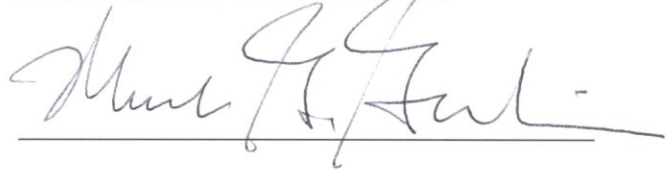
- II. The Title Board did not provide a fair or accurate ballot title because it omitted any reference in the title to, among other things:
 - A. Any legislative repeal or amendment must be by “at least” three-fourths of each house of the general assembly.

- B. The vote taken to refer a measure to the voters must be by a majority of each house of the general assembly.
- C. A referred measure passes when a majority of voters casting ballots agree to the amendment or repeal.
- D. The fact that the measure applies to actions of the general assembly in connection with already enacted initiated statutes, as well as initiated statutes considered at the 2012 election and future initiated statutes.

Please set this matter for rehearing, pursuant to C.R.S. § 1-40-107(1).

Respectfully submitted this 11th day of April, 2012.

HEIZER PAUL GRUESKIN LLP



Mark G. Grueskin

Objector's address:

Philip Hayes, 5464 South Ward Way, Littleton CO 80127

CERTIFICATE OF SERVICE

A true and accurate copy of this MOTION FOR REHEARING was sent to the designated representatives, by means of U.S. Mail, first class, postage prepaid:

David Ottke, 3308 S. Hannibal Street, Aurora, CO 80013

John Slota, 2990 Shadow Creek Drive, #108, Boulder, CO 80303

