

BEFORE COLORADO STATE TITLE SETTING BOARD

In re Ballot Title and Submission Clause for 2011-2012 Initiative #78 (“Religious Freedom”)

REV. JASON HAYS & KRISTY MILLIGAN, Objectors

MOTION FOR REHEARING

Pursuant to C.R.S. § 1-40-107, Objectors, Rev. Jason Hays and Kristy Milligan, registered electors of the State of Colorado, by and through his legal counsel, Heizer Paul Grueskin LLP, are not satisfied with the April 4, 2012 decisions of the Title Board that Initiative #78 comprises a single subject and further that the title set is fair and accurately expresses the meaning and intent of this measure.

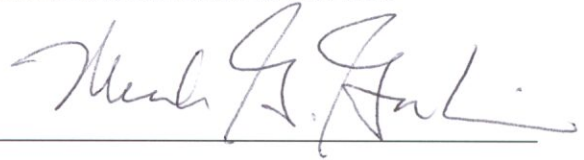
- I. These ballot measures violate the single subject requirement, Colo. Const., art. V, § 1(5.5), including but not limited to the multiple topics of:
 - A. The measure is so indefinite as to lack a single subject.
 - B. The measure coils in the folds of unburdening “religious freedom” certain broad, undefined, and unlimited “indirect burdens” which include:
 1. withholding any “benefits;”
 2. assessing any “penalties;”
 3. exclusion from any “governmental programs;” and
 4. exclusion from access to any “governmental facilities.”
 - C. The measure is effective whenever an undefined and thus unduly broad “act” or “refusal to act” by a person or a religious organization occurs.
- 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. The fact that “indirect” burdens as well as direct are included in what this measure is intended to address.
 - B. The four types of specific indirect burdens to which the measure refers.
 - C. The fact that a person or religious organization must “act” or “refuse to act” to trigger the remedial portion of this measure.
 - D. “Freedom of religion” unfairly colors the balance of the ballot title. C.R.S. § 1-40-106(1).

E. "Compelling governmental interest" is not a phrase that will be commonly understood by voters and will lead to public confusion. C.R.S. § 1-40-106(3)(b).

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

Objectors' addresses:

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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:

Tom Minnery, 8655 Explorer Drive, Colorado Springs, CO 80920

Michael Norton, 7951 E. Maplewood Avenue, Suite 100, Greenwood Village, CO 80111

