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By Steven Ward at 4:12 pm, Apr 25, 2012

BEFORE THE COLORADO STATE TITLE SETTING BOARD

In re Ballot Title and Submission Clause for 2011-2012 Initiative No. 95 ("Establishment of a State-Owned Bank")

BARBARA M. A. WALKER, Objector.

MOTION FOR REHEARING

Pursuant to C.R.S. § 1-40-107, Objector, Barbara M. A. Walker, a registered elector of the State of Colorado, by and through her legal counsel, Rothgerber Johnson & Lyons, LLP, hereby submits this Motion for Rehearing of the Title Board's April 18, 2012 decision to set the title of 2011-2012 Initiative No. 95 ("Initiative"), and states as follows:

I. The Title Board does not have jurisdiction to set the Initiative's title because proponents made substantive changes to the Initiative after the Legislative Council Review and Comment Hearing.

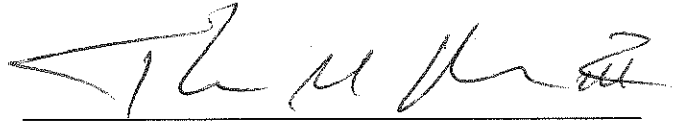
After the Legislative Council Review and Comment Hearing, Proponents made substantive changes to the Initiative that are not responsive to comments made at that hearing. Proponents failed to submit those changes for a second review and comment hearing, thus depriving the Title Board of jurisdiction to set the Initiative's title. *See* C.R.S. § 1-40-105(2).

II. The Title Board does not have jurisdiction to set the Initiative's title because it was submitted in an improper form.

Even though Legislative Council informed proponents of the proper form of the initiative to be submitted to the Secretary of State, proponents improperly included extraneous argument above the constitutionally mandated enactment clause. *See* Colo. Const. art. V § 1(8). Proponents also failed to comply with procedural filing requirements. *See* C.R.S. § 1-40-105(4). These failures deprive the Title Board of jurisdiction to set the Initiative's title.

WHEREFORE, Objector respectfully requests that the Title Board set Initiative 94 for rehearing pursuant to C.R.S. 1-40-107(1).

DATED: April 25, 2012.



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CERTIFICATE OF SERVICE

I hereby certify that on April 25, 2012, a true and correct copy of this **MOTION FOR REHEARING** was served on proponents via email and U.S. Mail as follows:

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