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Colorado Secretary of State

SWARD 4:04 P.M.

BEFORE COLORADO STATE TITLE SETTING BOARD

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In re Ballot Title and Submission Clause for 2013-2014 Initiative #104 ("Establishment of a State-Owned Bank")

BARBARA M. WALKER, Objector.

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MOTION FOR REHEARING

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Pursuant to C.R.S. § 1-40-107, Objector, Barbara M.A. Walker, a registered elector of the State of Colorado, through her legal counsel, Lewis Roca Rothgerber LLP, submits this Motion for Rehearing of the Title Board's April 17, 2014, decision to set the title of 2013-2014 Initiative #104 ("Initiative"), and states:

**I. The Title Board Lacks Jurisdiction because the Initiative Does Not Contain a Single Subject**

The Initiative violates the single subject requirement. *See* Colo. Const., art. V § 1(5.5). It is intended to establish a state-owned bank, but it includes several, additional incongruous subjects. Therefore, the Title Board lacks jurisdiction to set title. *See* C.R.S. § 1-40-106.5.

**II. The Title and Submission Clause Do Not fairly Express the True Meaning and Intent of the Proposed State Law.**

Contrary to the statutory requirements for a ballot title that is not confusing, not misleading, and reflective of the intent of the proponents, C.R.S. §§ 1-40-106, -107, the Board has erred by setting titles that do not reveal that the measure:

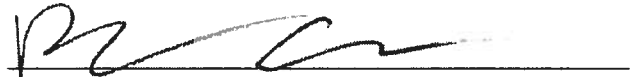
- 1) Grants the bank authority "to restore services that were lost during [economic] cycles." These new "services"—none of which are identified in the title and submission clause—include "construction of needed infrastructure, education, public health and safety; and other purposes that support the general welfare of the citizens of the state of Colorado."
- 2) Requires that the bank's "sound banking practices" be modeled after the practices of "the bank of North Dakota."
- 3) Allows the bank to "issue bonds, if deemed necessary by the board of directors of the bank."
- 4) Permits the state-owned bank to use the full faith and credit of the state of Colorado for bonded indebtedness without complying with TABOR.
- 5) Fails to disclose that an individual cannot run to serve on the bank's five member board without having been "a citizen of Colorado for at least five years . . . and

[having been] a resident of their district for two years prior to the deadline for candidate registration.”

- 6) Confuses voters by failing to “specify” the various ways the Initiative supersedes TABOR.
- 7) Misleads voters by failing to disclose that it circumvents Colorado’s balanced budget requirement, Art. X, § 16 of the Colorado Constitution.
- 8) Fails to disclose to voters that it circumvents Colorado’s prohibition against multi-year public debt, Art. XI, § 3 of the Colorado Constitution.

WHEREFORE, Objector respectfully requests that the Title Board set Initiative 104 for rehearing pursuant to C.R.S. § 1-40-107(1).

DATED: April 23, 2014.



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**CERTIFICATE OF SERVICE**

I hereby certify that on April 23, 2014, 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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*Proponents*

*/s/ Paula Weygand*  
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Paula Weygand

