

APR 23 2014

Colorado Secretary of State

SWARD 12:44 P.M.

BEFORE THE COLORADO BALLOT TITLE SETTING BOARD

In re Title and Ballot Title and Submission Clause for Initiative 2013-2014 #138 (“Naming of Gambling Locations”)

**MOTION FOR REHEARING
ON INITIATIVE 2013-2014 #138**

Objectors, Vickie L. Armstrong and Bob Hagedorn (jointly, “Objectors”), move (a) for a finding that no title can be set for Initiative 2013-2014 #138 (“Naming of Gambling Locations”) (the “Proposed Initiative”), on the grounds that the Proposed Initiative violates the single-subject requirement set forth in Article V, Section 1(5.5) of the Colorado Constitution and in C.R.S. § 1-40-106.5, or, alternatively, (b) for correction and clarification of the title set for the Proposed Initiative, for the reasons set forth below:

1. At a hearing conducted on April 17, 2014, the Title Board found it had jurisdiction to set a title for the Proposed Initiative and that the Proposed Initiative addressed a single subject. Accordingly, the Title Board set the following title (the “April 17 Title”) for the Proposed Initiative:

An amendment to the Colorado constitution prohibiting the granting of an exclusive license to conduct casino-style gambling, including video lottery terminals, at any specific geographic site identified in a statewide ballot measure adopted on or after November 4, 2014.

2. For the following reasons, the Proposed Initiative contains more than a single subject, in violation of Article V, Section 1(5.5) of the Colorado Constitution and C.R.S. § 1-40-106.5. The Proposed Initiative relates to the following multiple subjects, among others:

- (a) Prohibiting licensing of “casino-style gambling” at any specific geographic site named in a ballot measure;
- (b) Limiting the scope of future initiatives;
- (c) Potentially nullifying Initiatives 2013-2014 #80, #81, #134, and #135; and
- (d) Prohibiting the expansion of “casino-style gambling,” including limited gaming under the Colorado Constitution, Article XVIII, Section 9, anywhere beyond the three mountain towns already approved for limited gaming.

3. The April 17 Title does not fairly express the true meaning and intent of the Proposed Initiative and, therefore, violates C.R.S. § 1-40-106(3)(b), for the reasons set forth below:

(a) The April 17 Title does not disclose the multiple subjects of the Proposed Initiative set forth in Paragraph 2 above;

(b) The word “exclusive” is undefined, vague, and misleading to voters;

(c) The phrase “specific geographic site” is undefined, vague, and misleading to voters;

(d) The phrase “existing license type” is undefined, vague, and misleading to voters;

(e) “Casino-style gambling” is an impermissible catch phrase;

(f) The use of the phrase “casino-style gambling” is confusing because the April 7 Title does not define or otherwise explain what is meant by that phrase;

(g) The April 17 Title does not disclose that the Proposed Initiative not only prohibits the granting of an exclusive license to conduct “casino-style gambling” based on the identification of a discrete location, but also based on the identification of an “existing license type”; and

(h) The April 17 Title misleadingly states that the Initiative prohibits the granting of a license “to conduct . . . video lottery terminals,” which is a physical impossibility and not what the Proposed Initiative states.

4. For these reasons, Objectors request that the Title Board conduct a rehearing for the purpose of (a) striking the April 17 Title, and declining to set a new title for the Proposed Initiative, on the grounds that the Proposed Initiative violates the single-subject requirement set forth in Article V, Section 1(5.5) of the Colorado Constitution and in C.R.S. § 1-40-106.5, or, alternatively, (b) revising the April 17 Title to fairly express the true meaning and intent of the Proposed Initiative.

Respectfully submitted this 23rd day of April, 2014.

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CERTIFICATE OF SERVICE

I hereby affirm that a true and accurate copy of the **MOTION FOR REHEARING ON INITIATIVE 2013-2014 #138** was sent this 23rd day of April, 2014, via first class U.S. mail, postage prepaid, to the proponents of the Proposed Initiative and their counsel of record at:

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