

## BEFORE THE COLORADO BALLOT TITLE SETTING BOARD

---

In re Title and Ballot Title and Submission Clause for Initiative 2013-2014 #140 ("Local Voter Approval for Casino-Style Gambling")

---

**MOTION FOR REHEARING  
ON INITIATIVE 2013-2014 #140**

---

Objectors, Vickie L. Armstrong and Bob Hagedorn (jointly, "Objectors"), move (a) for a finding that no title can be set for Initiative 2013-2014 #140 ("Local Voter Approval for Casino-Style Gambling") (the "Proposed Initiative"), on the grounds that (i) 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 (ii) the language of the Proposed Initiative is so incomprehensible that it is impossible to set a clear title therefor, 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 concerning a requirement for a local vote to approve casino-style gambling, including video lottery terminals, in a host community to the extent authorized by a statewide ballot measure that is adopted on or after November 4, 2014, and, in connection therewith; requiring the local vote within thirteen months after the effective date of the statewide vote and before the granting of a gambling license.

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) Providing that statewide elections to legalize or to authorize "casino-style gambling" cannot take effect unless, within thirteen months following the effective date of the statewide vote, the voters of "a county or counties' host community, named in the statewide ballot measure," also vote to approve that type of gambling in the named host community;

(b) Potentially nullifying Initiatives 2013-2014 #80, #81, #134, and #135;

(c) Expanding counties' authority to submit measures to their voters;

(d) Granting counties a dramatically expanded power of initiative they do not currently possess;

(e) Stripping powers from home rule cities by allowing counties for the first time to override home rule cities' decisions relating to "casino-style gambling";

(f) Effecting a fundamental change in the relationship between home rule cities and their counties;

(g) Reducing the authority of the Colorado Limited Gaming Control Commission;

(h) Overriding the existing constitutional requirement that measures initiated by or referred to the people take effect within thirty days after the vote has been canvassed; and

(i) To the extent the Proposed Initiative requires county votes, potentially 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, because, under existing law, counties could not conduct votes within thirteen months after the effective date of the statewide vote.

3. In addition, no title can be set for the Proposed Initiative because the reference to a vote by the voters of "a county or counties' host community" is so hopelessly confusing and incomprehensible that no clear title can be set for the Proposed Initiative.

4. Alternatively, 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 use of the phrase "local vote" is misleading because the Proposed Initiative provides that "a county or counties' host community," and not necessarily a "local" community, would conduct the vote;

(c) The use of "casino-style gambling" is confusing because the April 17 Title does not explain what is meant by such term or contain a definition thereof; and

(d) "Local vote" and "casino-style gambling" are impermissible catch phrases or slogans.

5. 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 (i) 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, and (ii) the reference to “a county or counties’ host community” in the text of the Proposed Initiative is so incomprehensible that no clear title can be set for the Pending Initiative; 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.

MCKENNA LONG & ALDRIDGE LLP

*s/ Lino S. Lipinsky de Orlov*

---

Lino S. Lipinsky de Orlov, No. 13339  
Amy M. Siadak, No. 43702  
1400 Wewatta Street, Suite 700  
Denver, Colorado 80202  
Voice: (303) 634-4000  
Fax: (303) 634-4400  
[llipinsky@mckennalong.com](mailto:llipinsky@mckennalong.com)  
[asiadak@mckennalong.com](mailto:asiadak@mckennalong.com)

HOLLAND & HART LLP

*s/ Marcy G. Glenn*

---

Marcy G. Glenn, No. 12018  
Douglas L. Abbott, No. 18683  
555 Seventeenth Street, Suite 3200  
Denver, Colorado 80202  
Voice: (303) 295-8000  
Fax: (303) 295-8261  
[mglenn@hollandhart.com](mailto:mglenn@hollandhart.com)  
[dabbott@hollandhart.com](mailto:dabbott@hollandhart.com)

JACKSON KELLY PLLC

*s/ Shayne M. Madsen*

---

Shayne M. Madsen, No. 8750  
John S. Zakhem, No. 30089  
1099 18<sup>th</sup> Street, Suite 2100  
Denver, Colorado 80202  
Voice: (303) 390-0003  
Fax: (303) 390-0177  
[smadsen@jacksonkelly.com](mailto:smadsen@jacksonkelly.com)  
[jszakhem@jacksonkelly.com](mailto:jszakhem@jacksonkelly.com)

WILLIAM A. HOBBS

*s/ William A. Hobbs*

---

William A. Hobbs, No. 7753

1745 Krameria Street

Denver, Colorado 80220

Voice: (303) 345-5541

[Bill.hobbs@me.com](mailto:Bill.hobbs@me.com)

*Co-Counsel for Objectors, Vickie L.  
Armstrong and Bob Hagedorn*

Objectors' Addresses:

Vickie L. Armstrong  
678 West 11<sup>th</sup> Street  
Akron, CO 80720

Bob Hagedorn  
1278 Sable Blvd.  
Aurora, CO 80011

**CERTIFICATE OF SERVICE**

I hereby affirm that a true and accurate copy of the **MOTION FOR REHEARING ON INITIATIVE 2013-2014 #140** 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:

Mr. Richard Evans  
1724 S. Unita Way  
Denver, CO 80231

Mr. Stephen Roark  
2732 S. Fillmore St.  
Denver, CO 80210

Mark Grueskin, Esq.  
Recht Kornfeld, P.C.  
1600 Stout Street, Suite 1000  
Denver, CO 80202

/s/ Sally Kline

---

Sally Kline

DN 32267441.5

