

BEFORE THE COLORADO BALLOT TITLE SETTING BOARD

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In re Title and Ballot Title and Submission Clause for Initiative 2013-2014 #141 ("Prohibition on Gambling Monopolies")

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**MOTION FOR REHEARING  
ON INITIATIVE 2013-2014 # 141**

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Objectors, Vickie L. Armstrong and Bob Hagedorn (jointly, "Objectors"), move (a) for a finding that no title can be set for Initiative 2013-2014 #141 ("Prohibition on Gambling Monopolies") (the "Proposed Initiative"), on the grounds that the Proposed Initiative violates the single-subject requirement set forth in Article 5, 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 a license to conduct legalized gambling if the granting of the license would give the licensee a monopoly within any county on one or more types of gambling to be offered by the licensee other than bingo, raffles, live racing, and simulcast racing.

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 gambling monopolies within a county;
- (b) Potentially nullifying Initiatives 2013-2014 #80, #81, #134, and #135;
- (c) Prohibiting the expansion of gambling into any county in which it is not already approved because the first gambling license granted in any such county would necessarily constitute a prohibited monopoly under the Proposed Initiative;
- (d) Prohibiting the expansion of limited gaming under the Colorado Constitution, Article XVIII, Section 9, to any county that intends to approve fewer than two limited gaming establishments; and
- (e) Reducing the authority of the Colorado Limited Gaming Control Commission.

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) “Legalized gambling” and “monopoly” are impermissible catch phrases or slogans;

(c) The phrase “legalized gambling” is misleading to voters because it has no established meaning; and

(d) The April 17 Title fails to disclose that, although the Proposed Initiative purports to apply to all forms of “legalized gambling” within the state of Colorado, the Proposed Initiative could not prohibit or regulate any form of gambling conducted on “Indian lands,” as defined in 25 U.S.C. § 2703(4).

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.

MCKENNA LONG & ALDRIDGE LLP

*s/ Lino S. Lipinsky de Orlov*

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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 #141** 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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*/s/ Sally Kline*

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