

Before the State Title Board

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In re Ballot Title and Submission Clause for Initiative 2013-2014 #16 ("Funding for Public Schools")

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**PROPONENTS' MOTION FOR REHEARING**

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Ashley E. Brillante and Thomas C. Stokes ("Proponents"), by and through their counsel, Heizer Paul Grueskin LLP, hereby seek correction of the ballot title set by the Title Board as stated below:

1. A hearing to set the ballot title for Initiative 2013-2014 #16 ("Initiative") was held on April 17, 2013, a measure for which Brillante and Stokes are named as proponents.
2. The Title Board found it had jurisdiction to set a title and the matter constituted a single subject, and the Board thereafter set a ballot title.
3. Because the Initiative addresses a matter of revenue and spending that arises under Article X, section 20 of the Colorado Constitution, the ballot title must contain an estimate of the first full year tax collections attributable to the Initiative.
4. The Title Board heard testimony from witnesses appearing on behalf of the proponents and for the Colorado Legislative Council, the office of the Colorado General Assembly that prepared the measure's fiscal impact estimate.
5. The Title Board adhered to the estimate proposed by Legislative Council, stating it relied on Legislative Council's expertise, neutrality, and historic role in advising the Board in this process.
6. The Legislative Council has since indicated it miscalculated the revenue estimate for the Initiative. This error reflected a good faith mistake in the process used to determine the revenue impact of the "income tax increment for public school funding" as provided under the Initiative.
7. Instead of \$1,990,000,000, the Legislative Council now projects that the Initiative will generate \$1,070,000,000 in its first full year of operation.
8. Pursuant to C.R.S. § 1-40-107(1)(a), "Any person presenting an initiative petition ... who is not satisfied with the titles and submission clause provided by the title board and who claims that they are unfair or that they do not fairly express the true meaning and intent of the proposed state law or constitutional amendment may file a motion for a

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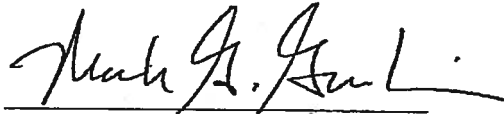
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rehearing with the secretary of state within seven days after the decision is made or the titles and submission clause are set."

9. Because of the mathematical miscalculation addressed above, the title for this measure does not fairly or accurately reflect the intent and meaning of the Initiative.
10. Pursuant to C.R.S. § 1-40-107(1)(b), the "specific wording" being challenged is the revenue estimate of the Initiative's first full year implementation.
11. Given the Title Board's deference to the Legislative Council's findings and the correction provided by Legislative Council, the stated fiscal impact should be changed to reflect the revised and more accurate estimate, namely \$1,070,000,000.

WHEREFORE, the Proponents seek relief from the Title Board in the form of a restatement of the revenue estimate of the Initiative to reflect the corrected dollar amount provided to the Board by Legislative Council.

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