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APR 09 2014

BEFORE THE COLORADO BALLOT TITLE SETTING BOARD

Colorado Secretary of State

S.WARD 2:56 P.M.

Don Macalady, Objector

vs.

Patrick Davis and Tom Lucero, Proponents.

MOTION FOR REHEARING ON INITIATIVE 2013-2014 #41

Don Macalady, through legal counsel, Recht Kornfeld P.C., objects to the Title Board's title and ballot title and submission clause set for Initiative 2013-14 #41.

On April 2, 2014, the Board set the following ballot title and submission clause:

Shall there be a change to the Colorado Revised Statutes repealing prohibitions against the sale, transfer, or possession of large-capacity ammunition magazines enacted by the general assembly in 2013?

ADVISORY GROUNDS FOR RECONSIDERATION

The title is misleading and confusing, in violation of C.R.S. 1-40-106, -107 for the following reasons:

1. The title's reference to "a change to the Colorado Revised Statutes" is an uninformative, and indirect way of stating what this proposal actually does, which is to repeal a statutory restriction on large-capacity magazines.
2. The title fails to state that the statute referred to also authorizes the possession of large-capacity magazines under certain situations, making the sole reference to "prohibitions" inaccurate.
3. The title fails to state that there is a specific definition of "large-capacity magazine" that is contained in the statute being repealed.
4. The title fails to state that the proposed measure repeals the requirement for mandated stamps or identification markings for large-capacity magazines that are manufactured or assembled in Colorado after July 1, 2013

5. The title fails to state that the proposed measure prohibits the manufacture of unstamped large-capacity magazines.
6. The reference to a statute that was "enacted by the general assembly in 2013" is unnecessary verbiage, as: (a) the title already refers to a statutory repeal and no measure may become a statute without being enacted by the General Assembly; and (b) a statute is not actually "enacted" unless it is also signed by the governor or allowed to become law by passage of the ten-day period for signing.

An accurate ballot title and submission clause would read:

Shall there be a repeal of the Colorado Revised Statute that: prohibits sale, possession, or transfer of certain large-capacity ammunition magazines; authorizes sales, possession, or transfer of such magazines under specified circumstances; defines "large-capacity magazine;" and prohibits manufacture of such magazines in the state that do not bear the required stamp required after July 1, 2013?

RESPECTFULLY SUBMITTED this 9th day of April, 2014.

RECHT KORNFELD, P.C.



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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 #41** of Don Macalady was sent this day, April 9, 2014, via first class U.S. mail, postage pre-paid to the proponents at:

Patrick Davis
5160 Hearthstone Lane
Colorado Springs, CO

Tom Lucero
2146 Burbank Street
Berthoud, CO

Erin Holweger