

STATE OF COLORADO

INITIATIVE TITLE SETTING REVIEW BOARD

In re Ballot Title and Submission Clause for 2013-2014 Initiative #45 ("Establishment of a State-owned Bank")

PROPONENTS' MOTION FOR A REHEARING

Robert Bows, designated representative for Proposed Initiative 2013-2014 #45, hereby seeks correction of the Title Board's action in denying the setting of title for said initiative, as a result of the facts and reasons stated below:

1. A hearing to set the ballot title for 2013-2014 Initiative #45 (hereinafter referred to as "Initiative"), a measure for which Bows and Bosch are named as proponents, was held on August 21, 2013.
2. The Board found that, based on the following reasons set forth the by one of its members, Mr. Dan Domenico, it did not have jurisdiction to set title, as it claims that the Initiative violates the single subject provision of the constitution of the state of Colorado [Article V, § 1 (5.5)].
3. In support of this claim, Mr. Domenico reasons that the Initiative has two subjects: (1) creating a state-owned bank to perform various actions; and (2) exempting the revenues collected from these actions from any legal restrictions, namely, as he sees it, TABOR (Article X, § 20).
4. However, Mr. Domenico's reasoning and the Title Board's de facto agreement to said reasoning is in direct conflict with a ruling of the state Supreme Court (a) and an initiative referred by the present session of the general assembly (b) for the 2014 ballot, to wit:

a. In setting titles for initiatives, the Board is directed to "apply judicial decisions construing the constitutional single-subject requirement for bills," and is advised to "follow the same rules employed by the general assembly in considering titles for bills." § 1-40-106.5(3). ... The General Assembly has directed that the single subject and title requirements for initiatives be liberally construed, "so as to avert the practices against which they are aimed and, at the same time, to preserve and protect the right of initiative and referendum." § 1-40-106.5(2). [*Matter of Title, Ballot Title & Submission Clause, & Summary with Regard to a Proposed Petition for an Amendment to Constitution of State of Colo. Adding Subsection (10) to Sec. 20 of Art. X (Amend Tabor 25), 900 P.2d 121, 124-25 (Colo. 1995)*]

b. (d.3) NOTWITHSTANDING ANY LIMITATIONS ON REVENUE, SPENDING, OR APPROPRIATIONS CONTAINED IN SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION OR ANY OTHER PROVISION OF LAW, ANY

REVENUES GENERATED BY THE RETAIL MARIJUANA EXCISE AND SALES TAXES IMPOSED PURSUANT TO PARAGRAPHS (d.1) AND (d.2) OF THIS SUBSECTION (5), AS APPROVED BY THE VOTERS AT THE STATEWIDE ELECTION HELD IN NOVEMBER OF 2013, MAY BE COLLECTED AND SPENT AS VOTER APPROVED REVENUE CHANGES WITHOUT ADDITIONAL VOTER APPROVAL. (Senate Concurrent Resolution 13-003, p. 6, lines 19-27)

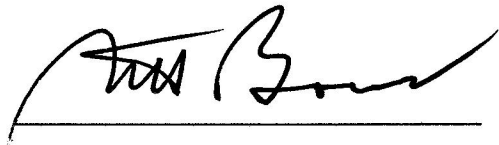
5. In other words, the state supreme court directs the title board (4.a. above) to liberally interpret the provisions of the single subject law and to follow the same rules as the general assembly in setting title.

6. In turn, the general assembly, in enacting Senate Concurrent Resolution 13-003 (4.b. above), does not consider exempting revenues from "Section 20 of Article X of the state constitution or any other provision of law" as a second subject.

7. Therefore, the title board's basis for claiming the Initiative violates the single subject provision is in conflict with the current practice of the general assembly, which the supreme court directs the title board to follow.

Proponents respectfully request the title board to set these matters for rehearing and thereby set title for the Initiative.

Robert Bows

A handwritten signature in black ink, appearing to read "Robert Bows", written over a horizontal line.

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