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BEFORE THE COLORADO BALLOT TITLE SETTING BOARD

**ELECTIONS/LICENSING
SECRETARY OF STATE**

STACY CARPENTER, Objector

vs.

CHRIS FORSYTH and LAURIE FORSYTH, Proponents.

MOTION FOR REHEARING ON INITIATIVE 2013-2014 #54

Stacy Carpenter, through her legal counsel, Recht Kornfeld P.C., objects to the Title Board's title and ballot title and submission clause set for Initiative 2013-14 #54 ("Election of Justices and Judges").

On February 5, 2014, the Board set the following ballot title and submission clause:

Shall there be an amendment to the Colorado constitution increasing the number of "Yes" votes required for a justice or judge to be retained in office from a simple majority to a two-thirds majority for elections held after November 1, 2014?

ADVISORY GROUNDS FOR RECONSIDERATION

A. Contrary to the requirement for a single subject in a ballot initiative, Colo. Const. art. V, sec. 1(5.5), #54 changes the rules governing the retention elections of both appellate and district court judges.

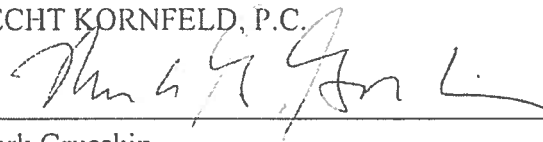
B. Contrary to the statutory requirements for a ballot title that is not confusing, not misleading, and reflective of the intent of the proponents, C.R.S. §§ 1-40-106, -107, the Board has erred by setting titles that do not reveal that the measure:

- (1) Requires retention of a judge or justice only where more than two-thirds of the participating electorate votes in favor of retaining that person as a judicial officer;
- (2) Precludes retention of a judge or justice if less than two-thirds of the participating electorate votes in favor of retaining that person as a judicial officer;
- (3) Does not provide for a result in a retention election where two-thirds of the electorate votes in favor of retaining that person as a judicial officer;

- (4) Provides rounding calculations, such that the result as to retention may not actually be determined by two-thirds of the participating electorate;
- (5) Is retroactive as to all judges and justices whose retention is before voters during voting at the 2014 general election;
- (6) Applies to elections occurring prior to November 1, 2014;
- (7) Incorrectly refers to the required vote in favor of retention as a “two-thirds majority” when it is actually a “two-thirds super majority;”
- (8) Incorrectly refers to the required vote in favor of retention as a “two-thirds majority” when “two-thirds” and “majority” are inherently contradictory when used together in this fashion;
- (9) Fails to state that “judge” as used in the title applies to Court of Appeals judges as well as district court and county court judges;
- (10) Fails to state that “judge” excludes county court judges of Denver County.

RESPECTFULLY SUBMITTED this 12th day of February, 2014.

RECHT KORNFELD, P.C.



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Objector's Address:

Stacy Carpenter
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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 #54** of Stacy Carpenter was sent this day, February 12, 2014, via first class U.S. mail, postage pre-paid to the proponents at:

Chris and Laurie Forsyth
3155 Ingalls St.
Wheat Ridge, CO 80214

