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BEFORE THE COLORADO BALLOT TITLE SETTING BOARD

**ELECTIONS/LICENSING  
SECRETARY OF STATE**

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STACY CARPENTER, Objector

vs.

CHRIS FORSYTH and LAURIE FORSYTH, Proponents.

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**MOTION FOR REHEARING ON INITIATIVE 2013-2014 #57**

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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 #57 ("Duties of the Independent Ethics Commission").

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

Shall there be an amendment to the Colorado constitution concerning judicial discipline, and, in connection therewith, transferring responsibility for judicial discipline to the independent ethics commission from the Colorado commission on judicial discipline and specifying that judicial discipline may be imposed for violations of the code of judicial conduct, the rules of professional conduct or the ethics in government provisions of the Colorado constitution?

**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), #57 contains multiple, separate issues that do not have any necessary connection to one another, including:

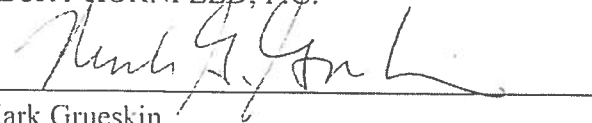
- (1) For all judges and justices at all levels of state and local government, establishes disciplinary jurisdiction in the Independent Ethics Commission ("IEC");
- (2) Abolishes the constitutionally created Commission on Judicial Discipline;
- (3) Subjects judges employed, elected or appointed by a local government to all of Article XXIX's regulations of "local government officials" including gift limitations and lobbyist gift ban;
- (4) Subjects judges of the state to all of Article XXIX's regulations of "public officers" including gift limitations and lobbyist gift ban;

- (5) Subjects all state and local judges to limitations on post-government employment as may be established by law;
- (6) Creates new requirements and limitations on the composition of the IEC, based on the status of its members as attorneys (requiring one attorney and three non-attorneys);
- (7) Eliminates the authority of appellate courts to rule on matters relating to judicial discipline in a way that binds the IEC;
- (8) Terminates the Supreme Court's authority to review matters if there is substantial evidence to support a recommendation of the IEC;
- (9) Applies remedial procedures to judges suffering from disabilities, in addition to those whose conduct may raise disciplinary matters;
- (10) Expands the jurisdiction of the IEC to include citizen complaints that judges or justices should be "retired;"
- (11) Expands the jurisdiction of the IEC to allow multiple complaints against a judge or justice within a twelve-month period;
- (12) Provides IEC with authority to revive cases that were dismissed by the Commission on Judicial Discipline;
- (13) Removes from the City & County of Denver its constitutional authority to determine the conditions under which its county judges are employed as judges;
- (14) Changes the compensation scheme for IEC members to allow for travel, board, and lodging reimbursements "and any other expenses incurred in the performance" of an IEC member's duties;
- (15) Reallocates funds from the Supreme Court's budget to pay for IEC member reimbursements.

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 addresses all fifteen subjects listed above, as well as other central provisions of the measure.

RESPECTFULLY SUBMITTED this 12<sup>th</sup> day of February, 2014.

RECHT KORNFELD, P.C.



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Objector's Address:

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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 #57** 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

A handwritten signature in cursive script, reading "Laurene Willberg", is written over a horizontal line.