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MAR 26 2014

BEFORE THE COLORADO BALLOT TITLE SETTING BOARD

Colorado Secretary of State

4:00P.M. S.WARD

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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 #79**

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

On March 19, 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 in the November 4, 2014, general election, and in every election thereafter?

**ADVISORY GROUNDS FOR RECONSIDERATION**

A. This initiative violates the requirement for a single subject in a ballot initiative, Colo. Const. art. V, sec. 1(5.5), because the initiative contains separate and distinct subjects of:

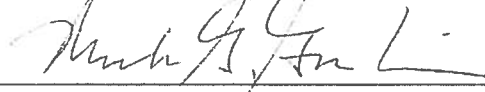
1. Increasing the required retention vote for state judges; and
2. Changing the control of home rule jurisdictions over the retention and tenure of their municipal judges, including Denver County judges. *See* Colo. Const., art. XX, sec. 6(c) (granting home rule cities and towns "power to legislate upon, provide, regulate, conduct and control ... [t]he creation of municipal courts; the definition and regulation of the jurisdiction, powers, and duties thereof, and the election or appointment of the officers thereof"); art. VI, sec. 26; *In re Title, Ballot Title and Submission Clause, and Summary for Initiative 1997-98 #95, 960 P.2d 1204, 1209 (Colo. 1998)* (initiative addresses a separate subject "to the extent that it seeks to deprive home rule cities of their power over the election,

appointment **and retention** of municipal court judges"), citing *People v. Horan*, 556 P.2d 1217, 1218 (Colo. 1976) (Article XX, Section 6 allows home rule cities to "specify the terms under which a municipal judge holds his office").

B. Contrary to the statutory requirements for a ballot title that is not confusing, not misleading, and is reflective of the intent of the proponents, C.R.S. §§ 1-40-106, -107, the Board has erred because the reference to "every election" is misleading, as retention elections are – even under the initiative – limited to "general elections."

RESPECTFULLY SUBMITTED this 26<sup>th</sup> day of March, 2014.

RECHT KORNFELD, P.C.



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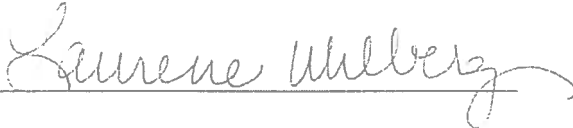
Objector's Address:

Stacy Carpenter  
118 Krameria St.  
Denver, CO 80220

**CERTIFICATE OF SERVICE**

I hereby affirm that a true and accurate copy of the **MOTION FOR REHEARING ON INITIATIVE 2013-2014 #79** of Stacy Carpenter was sent this day, March 26, 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

  
Laurene Wilberg