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MAR 26 2014

BEFORE THE COLORADO BALLOT TITLE SETTING BOARD

Colorado Secretary of State
S.WARD 4:00 P.M.

STACY CARPENTER, Objector

vs.

CHRIS FORSYTH and LAURIE FORSYTH, Proponents.

MOTION FOR REHEARING ON INITIATIVE 2013-2014 #94

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 #94 ("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 concerning judicial conduct and, in connection therewith, transferring jurisdiction over judicial discipline and disability to the independent ethics commission from the commission on judicial discipline, specifying the scope of such jurisdiction, and establishing standards and procedures for judicial discipline and disability proceedings?

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:
1. "Judicial conduct" is an overly broad subject that does not reasonably meet the requirements of the single subject requirement.
 2. Ongoing oversight over judicial disciplinary violations is not inherently or necessarily related to the potential removal from judicial office due to disability. *Compare* Colo. Rule on Judicial Discipline 5 (judicial discipline warranted for willful misconduct, willful or persistent failure to perform judicial duties, or intemperance) and Rule 33(5)(b)(1) (judicial disability is a physical or mental condition, adversely affecting performance of judicial functions).

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 for the following reasons:

- (1) "Specifying the scope of such jurisdiction" is a meaningless and non-descriptive phrase and fails to address significant changes in the measure.
- (2) The title fails to state that the Independent Ethics Commission ("Commission") is unaffected by judicial precedent.
- (3) The title fails to state that Commission's decisions are not reviewable by the Supreme Court for any error in the Commission's construction or application of the law.
- (4) The title fails to state that grounds for judicial discipline no longer include willful misconduct in office, willful or persistent failure to perform his or her duties, or intemperance.
- (5) The title fails to state that commission is not affected by passage of statute of limitations as to complaints before it.
- (6) The title fails to state that commission is not affected by dismissals of prior of complaints and thus authorizes resolved matters to be refiled.
- (7) The title fails to state that measure eliminates privilege as to any filings with the Commission pertaining to judges.
- (8) The title fails to state that measure eliminates confidentiality as to proceedings if a probable cause finding is made.

RESPECTFULLY SUBMITTED this 26th day of March, 2014.

RECHT KORNFELD, P.C.


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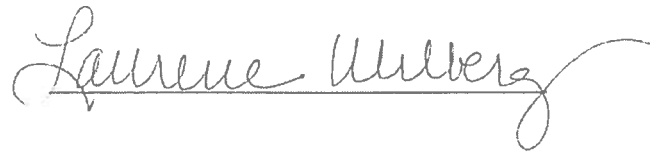
Objector's Address:

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

A handwritten signature in cursive script that reads "Laurene Wilber". The signature is written in black ink and is positioned to the right of the typed address.