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Marc Arnusch, Objector

vs.

Mike Callicrate and Angela Smith, Proponents.

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**MOTION FOR REHEARING ON INITIATIVE 2013-2014 #98**

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Marc Arnusch, through legal counsel, Recht Kornfeld P.C., objects to the Title Board's title and ballot title and submission clause set for Initiative 2013-14 #98 ("Protection of and Prevention of Cruelty to Livestock Animals").

On April 18, 2014, the Board set the following ballot title and submission clause:

Shall there be an amendment to the Colorado constitution providing that it is not a defense to a charge under the animal cruelty statutes that a livestock or companion animal was treated in accordance with an accepted animal husbandry practice?

**ADVISORY GROUNDS FOR RECONSIDERATION**

A. 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 the current title for this measure.

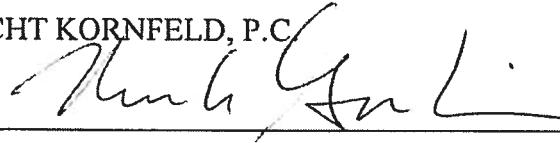
1. The title misstates the legal effect of the measure, as negating an element of the crime is not a defense.
2. "Animal cruelty" is a prohibited political catchphrase.
3. The title fails to state that the statutes affected by this measure are criminal statutes.
4. The title fails to state that the statutes affected by this measure are those listed in Part 2 of Article 9 of Title 18, C.R.S.

5. "Accepted animal husbandry practices" is an unknown phrase to most voters and must be defined or clarified in the title.

6. "Companion" animals must be defined or clarified in the title

RESPECTFULLY SUBMITTED this 23<sup>rd</sup> day of April, 2014.

RECHT KORNFELD, P.C.



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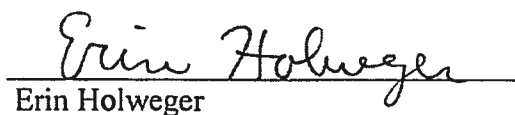
Marc Arnusch  
6506 County Road 65  
Keenesburg, CO 80643

### CERTIFICATE OF SERVICE

I hereby affirm that a true and accurate copy of the **MOTION FOR REHEARING ON INITIATIVE 2013-2014 #98** was sent this day, April 23, 2014, via first class U.S. mail, postage pre-paid to the proponents at:

Mike Callicrate  
1184 Hill Cir.  
Colorado Springs, CO 80904

Angela Smith  
4655 Calhan Hwy  
Calhan, CO 80808



Erin Holweger