

APR 23 2014

BEFORE THE COLORADO BALLOT TITLE SETTING BOARD

Colorado Secretary of State

S. WARD 2:24 P.M.

Marc Arnusch, Objector

vs.

Mike Callicrate and Angela Smith, Proponents.

MOTION FOR REHEARING ON INITIATIVE 2013-2014 #99

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 #99 ("Bovine Tail Docking").

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

Shall there be a change to the Colorado Revised Statutes prohibiting the cutting or removal of tails of cattle except when medically necessary to treat sick or injured cattle and designating a violation as a class 2 misdemeanor?

ADVISORY GROUNDS FOR RECONSIDERATION

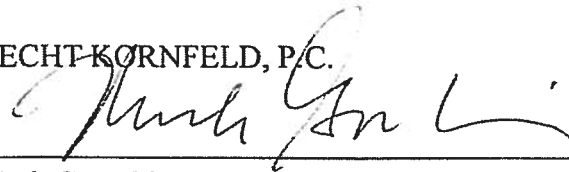
A. Contrary to the statutory requirements for a ballot title that is not confusing, not misleading, and reflective of the intent of the proponents, C.R.S. §§ 1-40-106, -107, the Board has erred by setting the current title for this measure.

1. The title inaccurately uses "cattle" rather than "bovine" as the initiative text does.
2. The title should reflect the actual text of the initiative and state that bovine tail docking is a made a crime, not merely "prohibited."
3. The title should reflect that the initiative criminalizes both the act of bovine tail docking and the procuring of such act.
4. The title should: (a) define an "accepted animal husbandry practice;" and (b) state that accepted animal husbandry practices is not an affirmative defense to and cannot be used to negate a criminal charge of bovine tail docking.

5. The title should reflect that the initiative prohibits the removal of "any portion" of a bovine's tail.
6. The title should state that the measure does not limit more stringent state or local laws or rules.

RESPECTFULLY SUBMITTED this 23rd day of April, 2014.

RECHT KORNFELD, P.C.



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Objector's Address:

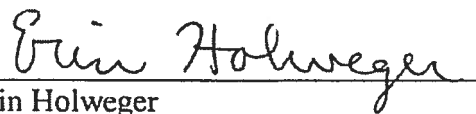
Marc Arnusch
6506 County Road 65
Keenesburg, CO 80643

CERTIFICATE OF SERVICE

I hereby affirm that a true and accurate copy of the **MOTION FOR REHEARING ON INITIATIVE 2013-2014 #99** 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