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BEFORE THE COLORADO BALLOT TITLE SETTING BOARD

Colorado Secretary of State

Jon Caldara, Objector

vs.

Dan Ritchie and Albert Yates, Proponents.

MOTION FOR REHEARING ON INITIATIVE 2015-2016 #117

Jon Caldara, through legal counsel, Jackson Kelly PLLC, objects to the Title Board's title and ballot title and submission clause set for Initiative 2015-16 #117 ("Retention of Excess State Revenue").

On April 6, 2016 the Board set the following ballot title and submission clause:

SHALL THERE BE A CHANGE TO THE COLORADO REVISED STATUTES AUTHORIZING THE STATE TO RETAIN AND SPEND STATE REVENUES THAT EXCEED THE CONSTITUTIONAL LIMITATION ON STATE FISCAL YEAR SPENDING, AND, IN CONNECTION THEREWITH, AUTHORIZING THE STATE TO RETAIN AND SPEND ALL SUCH REVENUES COLLECTED DURING THE TEN FISCAL YEARS FROM JULY 1, 2016 THROUGH JUNE 30, 2025; AUTHORIZING THE STATE TO ANNUALLY RETAIN AND SPEND SUCH REVENUES FOR ANY SUBSEQUENT FISCAL YEAR IN AN AMOUNT EQUAL TO THE HIGHEST AMOUNT COLLECTED IN ANY SINGLE FISCAL YEAR DURING THE TEN-YEAR PERIOD ADJUSTED FOR INCREASES IN STATE POPULATION AND INFLATION; DEDICATING SPECIFIED PERCENTAGES OF ANY REVENUES RETAINED TO FUND EDUCATION AND TRANSPORTATION PROJECTS; AND ALLOWING THE STATE TO USE REMAINING REVENUES RETAINED FOR THE SAME PURPOSES AND FOR MENTAL HEALTH SERVICES AND SENIOR SERVICES?

ADVISORY GROUNDS FOR RECONSIDERATION

A. The ballot measure violates the single subject requirement, established by Colo. Const., art. V, § 1(5.5) and C.R.S. § 1-40-106.5. A proposed initiative will violate the single subject requirement if the measure has at least two distinct and separate purposes that are not dependent upon or connected with each other. *In re Proposed Initiative 1996-4, 916 P.2d 528 (Colo. 1996).* The multiple topics included in the measure include, but are not limited to:

1. Eliminating the return of excess tax revenue to taxpayers required under Colo. Const., art. X, § 20, the Colorado Taxpayer's Bill of Rights.

2. Establishing a requirement that retained excess state revenues are to be appropriated by the Legislature to fund, at a specified percentage, education and/or transportation.
3. Authorizing the Legislature to appropriate retained excess state revenues, if any, to fund mental health care and senior services on a discretionary basis.

B. The title is misleading and confusing, in violation of C.R.S. §§ 1-40-106, -107 for the following reasons:

1. The title fails to state the specific percentage of retained revenues that will be allocated to fund education.
2. The title fails to state the specific percentage of retained revenues that will be allocated to fund transportation.
3. The title fails to state that none of the retained revenues are required to be allocated to fund mental health care.
4. The title fails to state that none of the retained revenues are required to be allocated to fund senior services.

Jon Caldara respectfully requests that the Colorado State Title Board set these matters for rehearing, pursuant to C.R.S. § 1-40-107(1).

RESPECTFULLY SUBMITTED this 13th day of April, 2016.

JACKSON KELLY PLLC

/s/ Shayne Madsen

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CERTIFICATE OF SERVICE

I hereby affirm that a true and accurate copy of the **MOTION FOR REHEARING ON INITIATIVE 2015-2016 #117** of Jon Caldara was sent this day, April 13, 2016, via first class U.S. mail, postage pre-paid to the proponents at:

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