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Colorado Secretary of State

BEFORE COLORADO STATE TITLE SETTING BOARD

In re Ballot Title and Submission Clause for 2015-2016 Initiative #143 (“New Cigarette and Tobacco Taxes”)

KEITH PEARSON and WILSON BUCKLEY CROOM, Objectors.

MOTION FOR REHEARING

Pursuant to C.R.S. § 1-40-107, Objectors, Keith Pearson and Wilson Buckley Croom, registered electors of the State of Colorado, through their legal counsel, Lewis Roca Rothgerber Christie LLP, submit this Motion for Rehearing of the Title Board’s April 21, 2016 decision to set the title of 2015-2016 Initiative #143 (the “Initiative”), and state:

I. The Title and Submission Clause Do Not Fairly Express the True Meaning and Intent of the Proposed State Law.

The title fails to adequately reflect the central features of the Initiative and is unfair, misleading, and fails to fairly express the true meaning and intent of the proposed constitutional amendment as follows:

1) The title fails to provide context to the voters of the magnitude of the proposed tax increases by failing to reference the amount of the existing tax on cigarettes and other tobacco products and/or the percentage increase from the current tax rate.

2) Reference to the proposed tax increase per cigarette, as opposed to per pack, is misleading because consumers cannot purchase single cigarettes, but instead purchase them in packs of 20 and should be informed of the proposed tax increase on a pack of cigarettes.

3) The title fails to reflect that the measure would take away the General Assembly’s power to repeal or reduce taxes.

4) The title must reflect that the measure takes away future discretion from the General Assembly to reduce existing funding, from sources other than this measure, for the same programs designated as new beneficiaries of tobacco tax revenues under the measure.

5) The title must reflect that the Colorado Department of Health Care Policy and Financing is given broad discretionary grant-making authority to distribute the funds appropriated under the measure.

6) The use of the phrase “health construction and technology improvements” without more detail is confusing; the title should state that the measure does not specify what type of construction or improvements will be funded by the tobacco tax revenues.

7) The title should reflect that tax revenues must be appropriated to fund professional training tracks for health and dental professionals.

8) The title fails to indicate the percentage of funding the initiative devotes to each budgetary program noted in the Initiative.

9) The title fails to indicate what budgetary programs created by the Initiative are new programs and which are existing programs.

10) The title fails to inform the voters that the additional tobacco tax revenues are being exempted from TABOR’s fiscal year spending limits

WHEREFORE, Objectors respectfully request that the Title Board set Initiative 143 for rehearing pursuant to C.R.S. § 1-40-107(1).

DATED: April 27, 2016.

s/Thomas M. Rogers III

Thomas M. Rogers III

Hermine Kallman

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CERTIFICATE OF SERVICE

I hereby certify that on April 27, 2016, a true and correct copy of this **MOTION FOR REHEARING** was served on proponents via email and U.S. Mail as follows:

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