

BEFORE THE COLORADO BALLOT TITLE SETTING BOARD

Colorado Secretary of State

Timothy Markham, Objector,

vs.

Greg Brophy and Dan Gibbs, Proponents.

MOTION FOR REHEARING ON INITIATIVE 2015-2016 #97

Timothy Markham, a registered elector of Colorado, through legal counsel, Recht Kornfeld P.C., objects to the Title Board's title and ballot title and submission clause set for Initiative 2015-16 #97 ("Petition Signature Requirements for Initiated Constitutional Amendments").

I. The Title Board set a title for Initiative 2015-16 #97 on March 2, 2016.

At the hearing held in connection with this proposed initiative, the Board designated and fixed the following ballot title and submission clause:

Shall there be an amendment to the Colorado constitution making it more difficult to amend the Colorado constitution by requiring that any petition for a citizen-initiated constitutional amendment be signed by at least two percent of the registered electors who reside in each state senate district?

II. The titles are misleading, confusing, and prejudicial.

A. "Making it more difficult to amend the Colorado constitution" is a prohibited catch phrase and is misleading and inaccurate for voters.

B. If the title is to describe the goal of "making it more difficult to amend the Colorado constitution," that goal should at least accurately state that initiative's actual purpose which is "making it more difficult to exercise the fundamental right of initiative for the purpose of amending the Colorado constitution."

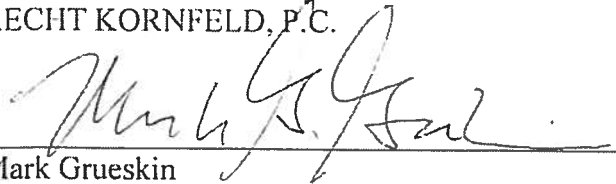
C. The title fails to describe that signature requirements per senate district will vary, even within the same election cycle, depending on the date the petition form has been approved for circulation.

D. The title fails to describe that signature requirements per senate district will vary whenever district lines are redrawn, due to reapportionment or court order, even within the same election cycle, depending on the date the petition form has been approved for circulation.

WHEREFORE, the titles set on March 2, 2016 should be stricken altogether or modified to account for the concerns raised in this Motion for Rehearing.

RESPECTFULLY SUBMITTED this 9th day of March, 2016.

RECHT KORNFELD, P.C.



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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 #97 was sent this day, March 9, 2016 via first class U.S. mail, postage pre-paid to the proponents' counsel at:

Dee Wisor, Esq.
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