

RECEIVED

FEB 12 2020

S. WARD
4:47 P.M.

COLORADO TITLE SETTING BOARD Colorado Secretary of State

IN THE MATTER OF THE TITLE AND BALLOT TITLE AND SUBMISSION CLAUSE FOR
INITIATIVE 2019-2020 #180

MOTION FOR REHEARING

On my own behalf, as a registered elector of the State of Colorado, the undersigned hereby submits this Motion for Rehearing for Initiative 2019- 2020 #180 - Concerning State Tax Policy, pursuant to Section 1-40-107, C.R.S., and as grounds therefore states as follows:

I. INITIATIVE #180 ATTEMPTS TO SURREPTITIOUSLY REPEAL AND REPLACE SIGNIFICANT PORTIONS OF THE COLORADO CONSTITUTION.

The Colorado Constitution currently contains Article X, Section 20, commonly known as the “Taxpayer’s Bill of Rights” or TABOR. This contains a requirement that all districts, including the state itself, “must have voter approval in advance” for among other items “any new tax, [or] tax rate increase.” Colo. Const. Art. X, Sec. 20 (4)(a). The matching language in the proposed measure restricts itself to “taxpayers whose income is in the lowest ninety percent of income.” The Colorado Constitution currently contains no such limitation. The effect of inserting such a conflicting restriction in our constitution would be subject to the interpretation that it nullifies at least some of the rights contained in TABOR for those who do not fall within “the lowest ninety percent of income.”

II. THE TITLE BOARD LACKS JURISDICTION BECAUSE MISLEADING LANGUAGE IN THE PROPOSED MEASURE RESULTS IN A CONFUSING MEASURE.

The Title Board should deny jurisdiction to consider this measure because, as explained above, it fails to meet drafting requirements of simplicity and clarity and will confuse voters. See C.R.S. § 1-40-105(3) (“To the extent possible, drafts shall be worded with simplicity and clarity and so that the effect of the measure will not be misleading or likely to cause confusion among voters.”) The broad language used conceals from voters the significant changes it would bring to Colorado law.

In addition, the measure fails to clearly enumerate how those whose income are not in “the lowest ninety percent of income” will be affected.

CONCLUSION

Accordingly, the Objector respectfully requests that this Motion for Rehearing be granted and a rehearing set pursuant to Section 1-40-107(1), C.R.S.

Respectfully submitted this 12th day of February, 2020.

/s/Rebecca R. Sopkin

Rebecca R. Sopkin
Attorney at Law, #20998
720 Kipling St. #12
Lakewood, CO 80215
303/946-2299
grsop@msn.com