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By Steven Ward at 4:33 pm, Apr 22, 2020

COLORADO TITLE SETTING BOARD

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**IN THE MATTER OF THE TITLE AND BALLOT TITLE AND SUBMISSION CLAUSE  
FOR PROPOSED INITIATIVE 2019-2020 #301**

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**MOTION FOR REHEARING ON PROPOSED INITIATIVE 2019-2020 #301**

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On behalf of Timothy Steven Howard, registered elector of the State of Colorado, the undersigned counsel hereby submits to the Title Board this Motion for Rehearing on Proposed Initiative 2019-2020 #301 (“Initiative #301”) pursuant to Section 1-40-107, C.R.S. (2019), and as grounds therefore state as follows:

**I. THE TITLE SET BY TITLE BOARD AT APRIL 15, 2018 HEARING**

On April 15, 2020, the Title Board set the following ballot title and submission clause for Initiative #301:

Shall there be a change to the Colorado Revised Statutes requiring the oil and gas conservation commission, before adopting a rule, to publish regulatory impact findings that specify the authority and need for the rule and estimate certain impacts of the rule on the oil and gas industry, employment, state and local tax revenue, and oil and gas royalty payments?

**II. GROUND FOR REHEARING**

**The Ballot Title and Submission Clause Is Misleading and Does Not Correctly and Fairly Express Its True Intent and Meaning.**

The title of the Initiative #301 is misleading and does not correctly and fairly express the initiatives' true intent and meaning. Section 1-40-106(3)(b), C.R.S. provides:

In setting a title, the title board shall consider the public confusion that might be caused by misleading titles and shall, whenever practicable, avoid titles for which the general understanding of the effect of a "yes" or "no" vote will be unclear. The title for the proposed law or constitutional amendment, which shall correctly and fairly express the true intent and meaning thereof, together with the ballot title and submission clause. . . .

The title of Initiative #301 misleads the voters by including only a partial list of the key features of the measure and omitting the following: (1) the regulatory impact findings must include any direct or indirect impact to employment; (2) the regulatory impact findings must include the cumulative cost of each proposed rule; (3) the regulatory impact findings must identify if the proposed rule is capable of implementation by oil and gas operators; and (4) the

regulatory impact findings must identify if the proposed rule requires the acquisition or use of any product, technology or equipment and that such product, technology or equipment is commercially available; and (5) the measure creates a two-step process whereby first the regulatory impact analysis must be published and interested parties will have the opportunity to comment on the analysis as though it were a proposed rule, and then there is the requirement that the final regulatory impact analysis be published at least 14 days prior to the public hearing.

The title does not enable voters to make an informed choice because it does not correctly and fairly express its true intent and meaning.

### **III. CONCLUSION**

Based on the foregoing, Timothy Steven Howard requests a rehearing of the Title Board for Initiative 2019-2020 #301, because the initiative contains multiple subjects, and the title is misleading to voters because it fails to fairly express the initiative's true meaning and intent. As a result, the Title Board lacks jurisdiction to set a title and should return the measure to the proponents.

Respectfully submitted this 22<sup>nd</sup> day of April 2020.

**TIERNEY LAWRENCE LLC**

By:     /s/ Martha M. Tierney      
Martha M. Tierney, Atty Reg. No. 27521  
225 E. 16<sup>th</sup> Avenue, Suite 350  
Denver, Colorado 80203  
Phone Number: (720) 242-7577  
E-mail: mtierney@tierneylawrence.com;

ATTORNEYS FOR OBJECTOR

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 22<sup>nd</sup> day of April, 2020, a true and correct copy of **MOTION FOR REHEARING ON PROPOSED INITIATIVE 2019-2020 #301** was filed and served via email or U.S. mail, postage prepaid, to the following:

Eric Waeckerlin, Esq.  
Brownstein Hyatt Farber Schreck LLP  
410 17<sup>th</sup> Street, #2200  
Denver, CO 80202  
[ewaeckerlin@bhfs.com](mailto:ewaeckerlin@bhfs.com)

Sam Bradley  
2820 Logan Drive  
Loveland, CO 80538

Greg Brophy  
26481 County Road 54  
Holyoke, CO 80734

/s/ Martha M. Tierney