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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 #156 (“Prohibition on Sale of Marijuana and Liquor at Food Stores”)

JOHN GRAYSON ROBINSON, Objector.

MOTION FOR REHEARING

Pursuant to C.R.S. § 1-40-107, Objector, John Grayson Robinson, a registered elector of the State of Colorado, through his legal counsel, Lewis Roca Rothgerber Christie LLP, submits this Motion for Rehearing of the Title Board’s April 21, 2016 decision to set a title for 2015-2016 Initiative #156 (the “Initiative”), and states:

I. The Board Lacks Jurisdiction to Set Title for the Initiative

The Initiative violates the single subject requirement of article V, section 1(5.5) of the Colorado Constitution and C.R.S. § 1-40-106.5 by grouping two different categories of products – alcoholic beverages and marijuana – which are regulated by two different articles of the Code and which do not have a necessary and proper connection to each other.

II. The Title Set by the Title Board is Confusing and Misleading

The Board should not have set title to the Initiative as it is impossible to ascertain the intent of the Initiative to clearly reflect it in the title. The measure provides that the liquor licensing authority must not issue a license to a food store that offers for sale alcoholic beverages or marijuana; however, it is unclear how a food store could be selling alcoholic beverages without such a license to begin with. Likewise, a food store, by definition under current law, cannot sell marijuana, so it is unclear to what entities the measure is intended to apply. Accordingly, the measure is incomprehensible, and title cannot be set under *In re Title, Ballot Title & Submission Clause, & Summary for 1999-2000 No. 44*, 977 P.2d 856, 858 (Colo. 1999) (“If the Board ‘cannot comprehend the initiatives well enough to state their single subject in the titles ... the initiatives cannot be forwarded to the voters and must, instead, be returned to the proponent.’”) (citing *In re Proposed Initiative for 1999-2000 No. 25*, 974 P.2d 458, 469 (Colo.1999)).

WHEREFORE, Objector respectfully requests that the Title Board set Initiative 156 for rehearing pursuant to C.R.S. § 1-40-107(1).

DATED: April 27, 2016.

s/Hermine Kallman

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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