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Colorado Secretary of State

BEFORE COLORADO STATE TITLE SETTING BOARD

In re Ballot Title and Submission Clause for 2017-2018 Initiative #159 (“Policy Changes Pertaining to State Income Taxes”)

Denise Burgess, Objector.

MOTION FOR REHEARING

Pursuant to C.R.S. § 1-40-107, Objector Denise Burgess, a registered elector of the State of Colorado, through her legal counsel, Lewis Roca Rothgerber Christie LLP, submits this Motion for Rehearing of the Title Board’s March 21, 2018 decision to set the title of 2017-2018 Initiative #159 (“Initiative”), and states:

I. The title set by the Title Board is unfair and does not fairly express the true meaning and intent of the proposed constitutional amendment.

The title set for the Initiative by the Title Board fails to fairly, clearly, and accurately convey the central features of the measure because, among other things:

- It does not explain that the tax credit created by the initiative is available to individuals with no income;
- It does not explain that some individuals will receive monthly refund checks from the state to the extent the tax credit exceeds their tax liability;
- The use of the phrase “earned income tax credit” to describe the initiative is misleading. Unlike a true “earned income” credit, the Initiative is available to individuals who have no earned income.

WHEREFORE, Objector respectfully requests that the Title Board set Initiative 159 for rehearing pursuant to C.R.S. § 1-40-107(1).

DATED: March 28, 2018.

s/ Thomas M. Rogers III

Thomas M. Rogers III

Dietrich C. Hoefner

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CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2018, a true and correct copy of this **MOTION FOR REHEARING** was served on proponents counsel via email as follows:

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*Attorney for Proponents
Kevin Neal Patterson II and
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s/ Robin A. Newcomer
