

BEFORE THE COLORADO BALLOT TITLE SETTING BOARD

Anthony Milo and James Moody, Objectors and Proponents,

v.

Suzanne Staiert, David Blake, and Sharon Eubanks, Members of the Title Board.

**MOTION FOR REHEARING ON INITIATIVES 2017-2018
#23, #24, #25, #26, #27, and #28**

Anthony Milo and James Moody, registered electors of Colorado, through legal counsel, Recht Kornfeld P.C., seek a rehearing on the Title Board’s title and ballot title and submission clause set for Initiatives 2017-18 #23, #24, #25, #26, #27, and #28 (“#23-28”).

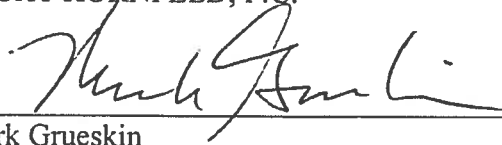
At the April 19, 2017 Title Board meeting where ballot titles and submission clauses were set for #23-28, the Board’s titles were framed in ways that warrant reconsideration in the following two respects:

- (1) The required TABOR language at the beginning of the ballot questions, “SHALL STATE TAXES BE INCREASED \$_____ ANNUALLY FOR A TWENTY-YEAR PERIOD,” could be read to suggest that the amounts that fill in the blank are the maximum tax amounts that can be collected and spent each year for 20 years. A common ballot title tool for addressing such a concern is to insert the following parenthetical after the dollar amount representing the first year’s tax revenue increase, “(FIRST FULL FISCAL YEAR DOLLAR INCREASE),” and to remove “ANNUALLY FOR TWENTY YEARS.”
- (2) Each measure contains one subject of funding certain categories of improvements by means of a new tax, and elements of #23-28 include: (a) authorization of a new sales and use tax; and (b) authorization of new indebtedness to effectuate certain types of improvements. The elements of a proposed initiative can be described in any order. *In re Title, Ballot Title and Submission Clause, and Summary Approved Feb. 2, 1994 Concerning Limited Gaming in Antonito*, 873 P.2d 733, 742 (Colo. 1994). That order should facilitate voter understanding of the proposal. The grouping of related material together is optimal in informing voters of the measure’s proposed changes. *See generally id.* Describing the sales and use tax related central elements together, before describing the creation of indebtedness which is offset by using a portion of these new revenues, would alleviate any concerns about the current order of the ballot title.

WHEREFORE, the Board should consider the topics raised in this Motion for Rehearing as to the ballot titles set for #23-28 on April 19, 2017.

RESPECTFULLY SUBMITTED this 26th day of April, 2017.

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 INITIATIVES 2017-18 #23, #24, #25, #26, #27, and #28 was sent this day, April 26, 2017 via email (Steven.Ward@SOS.STATE.CO.US), to the Title Board, at:

Suzanne Staiert
David Blake
Sharon Eubanks
c/o Colorado Title Board
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