

SUPREME COURT, STATE OF COLORADO

Court Address:

2 East 14th Avenue

Denver, Colorado 80203

ORIGINAL PROCEEDING PURSUANT TO
§ 1-40-107(2), C.R.S. (2006)

Appeal from the Ballot Title Setting Board

Petitioners:

BENNETT S. AISENBERG and FEDERICO C.
ALVAREZ, Objectors,

v.

Respondents:

JOHN K. ANDREWS, JR. and KATHLEEN A.
LeCRONE, Proponents,

and

Title Board:

WILLIAM A. HOBBS, JASON DUNN, and DAN
CARTIN

Attorneys for Petitioners:

Mark G. Grueskin, #14621

Daniel C. Stiles, #35695

Isaacson Rosenbaum P.C.

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FILED IN THE
SUPREME COURT

FEB 22 2006

OF THE STATE OF COLORADO
SUSAN J. FESTAG, CLERK

▲ COURT USE ONLY ▲

Case No.: 06SA63

**PETITION FOR REVIEW OF FINAL ACTION OF
BALLOT TITLE SETTING BOARD
CONCERNING PROPOSED INITIATIVE 2005-2006 #75
("TERM LIMITS ON COURT OF APPEALS
AND SUPREME COURT JUDGES")**

Bennett S. Aisenberg and Federico C. Alvarez ("Petitioners"), being registered electors of the State of Colorado, through their undersigned counsel, respectfully petition this Court pursuant to § 1-40-107(2), C.R.S. (2006), to review the actions of the Ballot Title Setting Board with respect to the setting of the title, ballot title, and submission clause for proposed Initiative 2005-2006 #75 ("Term Limits on Court of Appeals and Supreme Court Judges").

I. Actions of the Ballot Title Setting Board

The Title Board conducted its initial public meeting and set titles for proposed Initiative 2005-2006 #75 on February 1, 2006. The Petitioners filed a Motion for Rehearing pursuant to § 1-40-107(1), C.R.S. (2005), on February 8, 2006. The Motion for Rehearing was heard at the next regularly scheduled meeting of the Title Board on February 15, 2006. At the rehearing, the Board granted in part and denied in part Petitioners' Motion. Petitioners hereby seek review of the final action of the Title Board with regard to proposed Initiative 2005-2006 #75 pursuant to § 1-40-107(2), C.R.S. (2006).

II. Issues Presented

- I. Did the Title Board err by agreeing to set a ballot title, where the Board did not understand and the proponents could not explain the workings of this measure?

- II. Did the Title Board err by failing to state in the ballot title that the proposed initiative repeals the existing ten-year terms for justices of the Supreme Court, as set forth in Article VI, section 7 of the Colorado Constitution?
- III. Is "term limits" a political slogan or catch phrase that renders the ballot title unfair or misleading, given contemporary political debate on this issue, the expressed intent of the proponents, and titles set for other initiatives that dealt with this subject?

III. Supporting Documentation

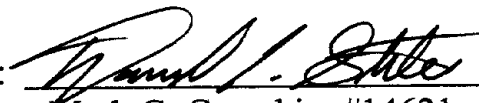
As required by § 1-40-107(2), C.R.S. (2006), a certified copy of the Petition, with the titles and submission clause of the proposed constitutional amendment, together with a certified copy of the Motion for Rehearing and the rulings thereon, are submitted herewith.

IV. Relief Requested

Petitioners respectfully request this Court to reverse the actions of the Title Board with directions to decline to set a title and to return the proposed Initiative to the proponents.

Respectfully submitted this 22nd day of February, 2006.

ISAACSON ROSENBAUM P.C.

By: 
Mark G. Grueskin, #14621
Daniel C. Stiles, #35695

ATTORNEYS FOR PETITIONERS

Addresses of Petitioners:

Bennett S. Aisenberg
310 Cook St.
Denver, Colorado 80206

Federico C. Alvarez
2315 Clermont St.
Denver, Colorado 80207

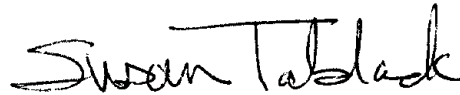
CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of February, 2006, a true and correct copy of the foregoing **PETITION FOR REVIEW OF FINAL ACTION OF BALLOT TITLE SETTING BOARD CONCERNING PROPOSED INITIATIVE 2005-2006 #75 ("TERM LIMITS ON COURT OF APEALS AND SUPREME COURT JUDGES")** was placed in the United States mail, postage prepaid, to the following:

Kathleen A. LeCrone
4371 S. Fundy Street
Centennial, Colorado 80015

John K. Andrews, Jr.
7156 S. Verbena Way
Centennial, Colorado 80112

Maurice G. Knaizer, Esq.
Deputy Attorney General
Colorado Department of Law
1525 Sherman Street, 5th Floor
Denver, Colorado 80203



The signature is written in cursive and is positioned above a horizontal line.



STATE OF COLORADO

DEPARTMENT OF
STATE

CERTIFICATE

I, **GINETTE DENNIS**, Secretary of State of the State of Colorado, do hereby certify that:

the attached are true and exact copies of the text, motion for rehearing, titles, and the rulings thereon of the Title Board on Proposed Initiative "2005-2006 #75".

..... **IN TESTIMONY WHEREOF** I have unto set my hand
and affixed the Great Seal of the State of Colorado, at the
City of Denver this 17th day of February, 2006.

GINETTE DENNIS

SECRETARY OF STATE

RECEIVED

JAN 20 2006

ELECTIONS/LICENSING
SECRETARY OF STATE

(H) via email
11/5/06
wcc

PROPOSED CONSTITUTIONAL AMENDMENT FOR 2006 BALLOT
INITIATIVE NO. 75

PROPONENTS

John K. Andrews, Jr.
7156 S. Verbena Way
Centennial CO 80112
720 489 7700
andrewsjk@aol.com
Registered voter, Arapahoe County

Kathleen A. LeCrone
4371 S. Fundy St.
Centennial CO 80015
Registered voter, Arapahoe County

FINAL REVISION PER LEGISLATIVE STAFF REVIEW 1/20/06

Be it Enacted by the People of the State of Colorado:

Section 1. Article VI of the constitution of the state of Colorado is amended by the addition of a new section to read:

Section 27. Terms of office and term limits. TERMS OF OFFICE FOR COURT OF APPEALS AND SUPREME COURT JUDGES SHALL BE FOUR YEARS. AT EACH LEVEL, NO ONE SHALL SERVE MORE THAN THREE TERMS OF OFFICE. A PROVISIONAL TERM SHALL BE A TERM OF OFFICE. ANYONE WHO HAS SERVED TWELVE YEARS OR MORE AT ONE COURT LEVEL SHALL BE NOT ELIGIBLE FOR ANOTHER TERM AT THAT LEVEL.

Section 2. Repeal. Section 7 of Article VI of the constitution of the state of Colorado is repealed as follows:

Section 7. Term of office. ~~The full term of office of justices of the Supreme Court shall be ten years.~~

RECEIVED

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COLORADO TITLE SETTING BOARD

ELECTIONS/LICENSING
SECRETARY OF STATE

In re Title and Ballot Title and Submission Clause Set For Initiative 2005-06 #75

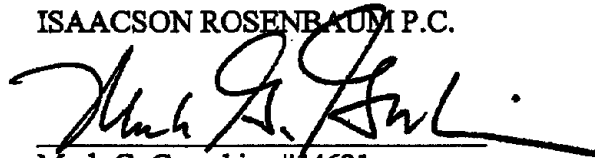
MOTION FOR REHEARING

On behalf of Bennett S. Aisenberg and Federico C. Alvarez, registered electors of the State of Colorado, the undersigned hereby moves for a rehearing of the title, ballot title and summary for Initiative 2005-06 #75, set at the Title Board hearing held on February 1, 2006. The Petitioners allege that the title set by the Board is misleading, inaccurate, and incomplete for the following reasons.

1. "Term limits" in the introductory clause of the ballot title is a political slogan, calculated to persuade voters to sign petitions and support the ballot measure.
2. The ballot title fails to state that a provisional term of office is counted as a full term of office.
3. The ballot title fails to define "provisional term of office."
4. The introductory clause of the ballot title erroneously states that this measure is limited to appellate court judges.
5. The ballot title fails to state that this measure restricts service of all judges to twelve years at any one court level.
6. The ballot title fails to state that the twelve-year ceiling on judicial service is retroactive and applies to all currently sitting judges and justices.

Respectfully submitted this 8th day of February, 2006.

ISAACSON ROSENBAUM P.C.



Mark G. Grueskin, #14621
Edward T. Ramey, #7648
633 17th Street, Suite 2200
Denver, CO 80202
Phone: 303-292-5656
Fax: 303-292-3152

Addresses of Objectors:

Bennett S. Aisenberg
310 Cook St.
Denver, CO 80206

Federico C. Alvarez
2315 Clermont St.
Denver, CO 80207

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of February, 2006, a true and correct copy of the foregoing **MOTION FOR REHEARING** was placed in the United States mail, postage prepaid, to the following:

Kathleen A. LeCrone
4371 S. Fundy St.
Centennial, CO 80015

John K. Andrews, Jr.
7156 S. Verbena Way
Centennial, CO 80112



Ballot Title Setting Board

Proposed Initiative 2005-2006 #75¹

The title as designated and fixed by the Board is as follows:

An amendment to the Colorado constitution concerning term limits for appellate court judges, and, in connection therewith, providing four-year terms of office for justices of the supreme court and judges of the court of appeals, prohibiting a justice of the supreme court or a judge of the court of appeals from serving more than three terms, and making any justice or judge who has served more than twelve years at one court level ineligible for another term at that level.

The ballot title and submission clause as designated and fixed by the Board is as follows:

Shall there be an amendment to the Colorado constitution concerning term limits for appellate court judges, and, in connection therewith, providing four-year terms of office for justices of the supreme court and judges of the court of appeals, prohibiting a justice of the supreme court or a judge of the court of appeals from serving more than three terms, and making any justice or judge who has served more than twelve years at one court level ineligible for another term at that level?

Hearing February 1, 2006:

Single subject approved; staff draft amended; titles set.

Hearing adjourned 4:10 p.m.

Hearing February 15, 2006:

At request of proponent, technical correction allowed in text of measure. (In Section 27, last sentence, changed "SHALL BE NOT ELIGIBLE" to "SHALL NOT BE ELIGIBLE".)

Motion for Rehearing granted in part to the extent Board amended titles; denied in all other respects.

Hearing adjourned 4:48 p.m.

¹ Unofficially captioned "Term Limits on Court of Appeals and Supreme Court Judges" by legislative staff for tracking purposes. Such caption is not part of the titles set by the Board.