

SUPREME COURT
STATE OF COLORADO

2 East 14th Avenue
Denver, CO 80203

Original Proceeding Pursuant to Colo. Rev. Stat.
§ 1-40-107(2)
Appeal from the Ballot Title Setting Board

In the Matter of the Title, Ballot Title, and
Submission Clause for Proposed Initiatives 2013-
2014 #85, #86, and #87 ("OIL AND GAS
OPERATIONS")

Petitioners:

Mizraim Cordero and Scott Prestidge,

v.

Respondents:

Caitlin Leahy and Gregory Diamond

and

Title Board:

Suzanne Staiert, Daniel Domenico, and Jason
Gelender.

JOHN W. SUTHERS, Attorney General
SUEANNA P. JOHNSON, Assistant Attorney
General, Atty. Reg. No. 34840*
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 6th Floor
Denver, CO 80203
Telephone: 720-508-6155
FAX: 720-508-6042
E-Mail: Sueanna.Johnson@state.co.us
*Counsel of Record

DATE FILED: June 20, 2014 3:50 PM

^ COURT USE ONLY ^

Case Nos. 2014SA116,
2014SA119, 2014SA122

**THE TITLE BOARD'S RESPONSE TO SUPPLMENTAL INFORMATION
CONCERNING PROPOSED INITITIAVES 2013-2014 #85, #86, AND #87**

CERTIFICATE OF COMPLIANCE

I hereby certify that this Response complies with C.A.R. 40(b) and 32, including all formatting requirements:

The Response does not exceed 6 pages

/s/ Sueanna P. Johnson

Suzanne Staiert, Daniel Domenico, and Jason Gelender, as members of the Ballot Title Setting Board (the “Title Board”), by and through undersigned counsel, hereby submit this Response to the Supplemental Information filed by Petitioners and accepted by this Court concerning Proposed Initiatives 2013-2014 #85-#87.

No one disputes that the Proponents for Proposed Initiatives 2013-2014 #85-#88 made representations to the Title Board that they would only circulate one of the four initiatives to the public for placement on the ballot. These representations were made at the initial hearing, the rehearing, as well as in briefing to this Court. In their Response to Petitioner’s supplemental information, the Proponents have once again re-affirmed their prior representations about their intention to circulate only one petition for placement on the ballot.

As a result, this Court should find that these particular Proponents have waived any right to circulate petitions for more than one of the measures. This waiver applies even if the Court affirms the titles for #85-#87, or the Court determines that the titles for #85-#88 do not conflict. This position is based on the Proponents’ representations

made to the Title Board, and more importantly, to this Court. The Title Board has an interest in ensuring that individuals appearing before it act in good faith.

Had the representation by these Proponents been contrary – *i.e.*, that they intended to circulate to the public more than one of the measures in the #85-#88 series – the Title Board may very well have proceeded differently under those circumstances. Given that it is an open question whether and how the Title Board would have proceeded under a different factual scenario simply underscores the importance in this case of holding the Proponents to their prior representations.

Respectfully submitted this 20th day of June, 2014.

JOHN W. SUTHERS
Attorney General

/s/ Sueanna P. Johnson

SUEANNA P. JOHNSON, 34840*

Assistant Attorney General

Public Officials Unit

State Services Section

Attorneys for the Title Board

*Counsel of Record

CERTIFICATE OF SERVICE

This is to certify that, on this 20th day of June, 2014, I duly served
this **RESPONSE TO SUPPLEMENTAL INFORMATION**
CONCERNING PROPOSED INITIATIVES 2013-2014 #85, #86,
AND #87 on all parties via ICCES, addressed as follows:

Martha Tierney, Esq.
Edward T. Ramey, Esq.
Heizer Paul LLP
2401 15th Street, Suite 300
Denver, CO 80202
Attorneys for Proponents

Sarah M. Clarke, Esq.
Michael F. Feeley, Esq.
Brownstein Hyatt Farber Schreck, LLP
410 17th Street, Suite 2200
Denver, CO 80202
Attorneys for Petitioners

/s/ Sueanna Johnson