

SUPREME COURT OF COLORADO
2 East 14th Avenue
Denver, CO 80203

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

In the Matter of the Title, Ballot Title, and
Submission Clause for Proposed Initiative
2013-2014 #97 (“Care of Livestock
Animals”)

**Petitioners: LAUREN DEVER AND
JULIE MCCALED**

v.

**Respondents: MIKE CALLICRATE
AND ANGELA SMITH**

and

**Title Board: SUZANNE STAIERT;
DAVID BLAKE; DANIEL DOMENICO;
and SHARON EUBANKS**

▲ COURT USE ONLY ▲

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Case No. _____

**PETITION FOR REVIEW OF FINAL ACTION OF BALLOT TITLE
SETTING BOARD CONCERNING PROPOSED INITIATIVE
2013-2014 #97 (“Care of Livestock Animals”)**

Lauren Dever and Julie McCaleb (“Petitioners”), registered electors of the State of Colorado, through their undersigned counsel, respectfully petition the Court pursuant to C.R.S. § 1-40-107(2), to review the actions of the Title Setting Board (“Title Board”) with respect to the title, ballot title, and submission clause set for Initiative 2013-2014 #97 (“Care of Livestock Animals”) (hereinafter “Proposed Initiative”).

STATEMENT OF THE CASE

A. Procedural History of Proposed Initiative

Mike Callicrate and Angela Smith (collectively “Proponents”) are the designated Proponents of the Proposed Initiative. The review and comment hearing required by C.R.S. § 1-40-105(1) was conducted by the Offices of Legislative Council and Legislative Legal Services on March 19, 2014. Proponents thereafter revised the Proposed Initiative and submitted that revised version directly to the Secretary of State on April 4, 2014, for purposes of having the Title Board set title. The Secretary of State or his designee is a member of the Title Board.

The Title Board considered and set title for the Proposed Initiative at its April 18, 2014 meeting. On April 23, Petitioners timely filed a Motion for Rehearing pursuant to C.R.S. § 1-40-107(1)(a), alleging that the Board lacked jurisdiction to set title because the Proposed Initiative violated the single-subject

requirement. In the alternative, Petitioners argued that the title was confusing, misleading, and not reflective of the Proponents' intent. The Title Board considered Petitioner's Motion at its April 24, 2014 meeting, and denied the Motion except to the extent that the Title Board made changes to the title.

B. Jurisdiction

Petitioners submit this matter to the Colorado Supreme Court for review pursuant to C.R.S. § 1-40-107(2). Petitioners timely filed a Motion for Rehearing with the Title Board pursuant to C.R.S. § 1-40-107(1) and timely filed this Petition for Review within seven days from the date of rehearing as required by C.R.S. § 1-40-107(2). Consistent with the requirements set forth in section 1-40-107(2), Petitioners have attached the following: (1) the original, amended, and final versions of the Proposed Initiative filed by the Proponents; (2) the original ballot title set for this measure; (3) the Petitioners' Motion for Rehearing; and (4) the Title Board's ruling on the Motion. Petitioners respectfully submit that the Title Board erred in denying the Motion and therefore this matter is properly before this Court.

GROUND FOR APPEAL

Contrary to the requirements set forth in Colo. Const. art. V., § 1(5.5) and C.R.S. § 1-40-106.5, the Title Board set title for the Proposed Initiative despite the fact that it contains multiple, distinct and separate purposes that are not dependent

upon or connected with each other. The Title Board therefore lacked jurisdiction to set title. In the alternative, the title and submission clause for the Proposed Initiative are misleading and confusing because they fail to describe important aspects of the measure.

The following is an advisory list of issues which will be fully discussed in Petitioners' brief:

1. The Title Board lacked jurisdiction to set title because the Proposed Initiative contains multiple, distinct and unrelated subjects, which include:
 - a. The regulation and treatment of companion animals; and
 - b. The regulation and treatment of livestock.
2. Alternatively, the title and submission clause for the Proposed Initiative is misleading and confusing because, among other things, it describes the central purpose of the measure as "repealing an exemption from criminal offenses" when in fact the measure repeals a criminal defense.

PRAYER FOR RELIEF

Petitioners respectfully request that after consideration of the parties' briefs, this Court determine that the Title Board lacked jurisdiction to set title and order that title setting be denied. Alternatively, Petitioners request that the Court determine that the title as set is confusing, misleading, and not reflective of the measure's intent and remand the Proposed Initiative to the Title Board with

instructions to redraft the title to accurately and fairly represent the intent of the Proposed Initiative.

Respectfully submitted this 1st day of May, 2014 by:

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CERTIFICATE OF SERVICE

I certify that on May 1, 2014, a true and correct copy of the above and foregoing **PETITION FOR REVIEW OF FINAL ACTION OF BALLOT TITLE SETTING BOARD CONCERNING PROPOSED INITIATIVE 2013-2014 #97 (“Care of Livestock Animals”)** via e-mail and U.S. Mail of such filing upon:

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