

Tracee Bentley and Howard Stanley Dempsey (“Petitioners”), registered electors of the State of Colorado, through their undersigned counsel, respectfully petition this Court pursuant to C.R.S. § 1-40-107(2), to review the actions of the Title Setting Board with respect to the title, ballot title, and submission clause set forth in Initiative 2015-2016 #40 (“Right of Local Community Self-Government”) (hereinafter “Proposed Initiative”).

STATEMENT OF THE CASE

A. Procedural History of Proposed Initiative #40

Jeffery Dean Ruybal and Merrily D. Mazza (“Proponents”) are the designated proponents of the Proposed Initiative. Proponents submitted a final version of the Proposed Initiative to the Secretary of State on December 2, 2015, for purposes of having the Title Board set title. The Secretary of State or his designee is a member of the Title Board. 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 December 16, 2015.

The Title Board considered and set title for the Proposed Initiative at its December 16, 2015 meeting. On December 23, 2015 Petitioners timely filed a Motion for Rehearing pursuant to C.R.S. § 1-40-107(1)(a), alleging that the Proposed Initiative violated the one subject requirement contained within the Colo. Const. art. V., § 1(5.5) and C.R.S. § 1-40-106.5, that the Proposed Initiative’s title did not accurately reflect the subject matter of the initiative as required by the Colorado Revised Statutes Section 1-40-106(3)(c), and that the Proposed Initiative’s title failed to note critical provisions of the measure which rendered the title misleading. On December 23, 2015 a separate Petitioner, Douglas Kemper, filed an additional Motion for Rehearing pursuant to C.R.S. § 1-40-107(1)(a) alleging similar concerns. The Title Board considered both Petitioner’s Motions at its January 6, 2016 meeting. The Motions for Rehearing were granted to the extent that the Board made changes to the titles but were denied in all other respects.

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 the 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 requirement set forth in section 1-40-107(2), Petitioners have attached the following documents certified by the Secretary of State: (1) the original version of the Proposed Initiative filed by the Proponents; (2) the original and amended ballot title set for this measure; (3) the Petitioners’ Motions for Rehearing; and (4) the Title Board’s ruling on the Motion. Petitioners respectfully submit that the Title Board erred in denying the Motion for Rehearing and therefore this matter is properly before this Court.

GROUNDS FOR APPEAL

The following is an advisory list of issues and grounds for appeal which will be discussed in fully detail in Petitioner's brief:

A. The Initiative Impermissibly Contains Multiple Subjects in Violation of the Colorado Constitution and Statutes

The Title Board violated Colo. Const. art. V., § 1(5.5) and C.R.S. § 1-40-106.5 when it set title for the Proposed Initiative. These sections require that every constitutional amendment proposed by initiative be limited to a single subject which shall be clearly expressed in its title. The Proposed Initiative includes the following several, unrelated subjects:

- (1) Establishes an “inherent and inalienable” right of local self-government in the “people” which defines this right as one which is vested in a group rather than an individual. (#40, §1);
- (2) Establishes authority in local government to enact laws to protect health welfare and safety. (#40, § 2);
- (3) Establishes three separate legal regimes that allow local governments to define the “rights of natural persons, their local communities, and nature.” (#40, § 2);
- (4) Establishes a new constitutional and legal framework that allows local governments to enact laws affecting, not just business entities, but every single subject of law contained in the Colorado Revised Statutes, including but not limited to water rights (Title 37), courts and procedure (Title 13), domestic relations (Title 14), and post-secondary education (Title 23). (40, § 2);
- (5) Establishes a new preemption between state and local governments. (#40, § 3);
- (6) Includes the unrelated concept of “nullification” which is a separate subject.
- (7) Amends Article VI of the United States Constitution by making local government ordinances the “supreme Law of the Land.” (#40, §3);
- (8) Amends Article I, Sections 8, 9 and 10 of the United States Constitution by transferring to local government the authority over the subjects covered in that section. (#40 §3);
- (9) In like manner, it amends Art. V of the United States Constitution by limiting its reach.

These subjects are not connected or interdependent and therefore the Board lacked jurisdiction to set title.

B. The Initiative’s Provisions are so Vague that the Title does not Encompass and Reflect the Purpose of the Proposal

The Title Board violated Section 1(5.5) of Article V of the Colorado Constitution when it set title for the Proposed Initiative. This section requires that the ballot title set by the Board clearly and correctly express the subject of the Initiative. The Proposed Initiative title fails to accurately reflect the subject matter in order to avoid confusion in the following ways:

- (1) The measure purports to establish and recognize “inherent and inalienable right of local self-government” which remains undefined and so vague that the title cannot effectively and clearly include the meaning of these terms.
- (2) The measure purports to establish and recognize “rights of natural persons, their local communities, and nature.” The scope of this authority is undefined and unexplained in the title.
- (3) The measure purports to secure those “rights” through “prohibitions and other means deemed necessary.” The title cannot encompass such ambiguous and ill-defined terms as “prohibitions” and “other means.”
- (4) As stated above in the section I, the measure encompasses every area of the law covered in the Colorado Revised Statutes. The title does not mention it and therefore this hidden subject, but extremely important one, is not encompassed in the title.
- (5) The measure, as stated in section I above, significantly amends the United States Constitution. As set, the title does not encompass that concept and subject.

All of the above issues demonstrate that the ballot title set by the Board did not clearly express the subject of the Proposed Initiative and as such the Proposed Initiative should be void as to the issues not clearly expressed.

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 therefore title setting must be denied. Alternatively, Petitioners request that the Court determine that the title as set is confusing, misleading, and not clearly reflective of the subject of the Proposed Initiative and thus remand the Initiative to the Title Board with instructions to redraft to the title to accurately and clearly represent the text of the Proposed Initiative.

Respectfully submitted this 13 day of January, 2016.

RYLEY CARLOCK & APPLEWHITE

By: *s/ Richard C. Kaufman* _____

Richard C. Kaufman, No. 8343

Matthew K. Tieslau, No. 47483

RYLEY CARLOCK & APPLEWHITE

1700 Lincoln Street, Suite 3500

Denver, Colorado 80203

Telephone: (303) 863-7500

Facsimile: (303) 595-3159

Attorneys for Petitioners

CERTIFICATE OF SERVICE

I certify that on the 13th day of January, 2016, a true and correct copy of the foregoing **PETITION FOR REVIEW OF FINAL ACTION OF BALLOT TITLE SETTING BOARD CONCERNING PROPOSED INITIATIVE 2015-2016 #40 (“RIGHT OF LOCAL COMMUNITY SELF-GOVERNMENT”)** was electronically filed with the court and served via ICCES, addressed to the following:

Elizabeth Comeau
1663 Steele Street, Ste. 901
Denver, CO 80206
EACommeaux.atty@outlook.com

s/Ann I. Palius

Ballot Title Setting Board

DATE FILED: January 13, 2016 3:48 PM

Proposed Initiative 2015-2016 #40¹

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

An amendment to the Colorado constitution concerning a right to local self-government, and, in connection therewith, declaring that the people have an inherent right to local self-government in counties and municipalities, including the power to enact laws to establish, protect, and secure rights of natural persons, communities, and nature, as well as the power to define or eliminate the rights and powers of corporations or business entities to prevent them from interfering with those rights; and exempting such local laws from preemption or nullification by any federal, state, or international law if the local laws do not restrict fundamental rights or weaken legal protections for natural persons, their local communities, or nature.

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 a right to local self-government, and, in connection therewith, declaring that the people have an inherent right to local self-government in counties and municipalities; including the power to enact laws to establish, protect, and secure rights of natural persons, communities, and nature, as well as the power to define or eliminate the rights and powers of corporations or business entities to prevent them from interfering with those rights; and exempting such local laws from preemption or nullification by any federal, state, or international law if the local laws do not restrict fundamental rights or weaken legal protections for natural persons, their local communities, or nature?

*Hearing December 16, 2015:
Single subject approved; staff draft amended; titles set.
Hearing adjourned 11:55 a.m.*

*Rehearing January 6, 2016:
Motion for Rehearing granted to the extent that the Board made changes to the titles; denied in all other respects.
Hearing adjourned 2:10 p.m.*

¹ Unofficially captioned “**Local Governance**” by legislative staff for tracking purposes. This caption is not part of the titles set by the Board.

RECEIVED

DEC 23 2015 *Jm*

BEFORE THE BALLOT TITLE SETTING BOARD, STATE OF COLORADO

DATE FILED: January 13, 2016 3:41 PM
3:36 P
COLORADO SECRETARY OF STATE

MOTION FOR REHEARING ON INITIATIVE 2015-2016 #40

IN RE TITLE AND BALLOT TITLE AND SUBMISSION CLAUSE SET FOR INITIATIVE
2015-2016 #40

Petitioner, Douglas Kemper, a registered elector of the State of Colorado, by and through his counsel, Burns, Figa & Will, P.C., hereby requests a rehearing and reconsideration of the title and ballot title and submission clause (collectively the "Titles") set by the Title Board on December 16, 2015, for Initiative 2015-2016 #40 (the "Initiative"), which would amend the Colorado constitution. Reconsideration is requested because the titles are confusing, misleading, and do not reflect the intent and meaning of the amendment, in violation of C.R.S. § 1-40-106, and because the Initiative contains multiple subjects.

I. The Initiative contains multiple subjects.

Petitioner Kemper generally agrees with the identification of multiple subjects by Petitioners Bentley and Dempsey in their motion for rehearing. The Board may not set a title if the Initiative does not contain a single subject.

II. The Title Board set a confusing and misleading title for the Initiative.

At the December 16, 2015 hearing, the Title Board set the following title for the Initiative:

An amendment to the Colorado constitution concerning a right to local self-government, and, in connection therewith, declaring that the people have an inherent right to local self-government in counties and municipalities, including the power to enact laws to establish and protect rights of natural persons, communities, and nature and the power to define or eliminate the rights and powers of corporations or business entities to prevent them from interfering with those rights; and declaring that such local laws are not subject to preemption or nullification by any federal, state, or international laws.

Colorado law requires that an initiative's title must "correctly and fairly express the true intent and meaning" of the measure. C.R.S. § 1-40-106(3)(b). Furthermore, the title should clearly express the initiative's single subject. *In re Title, Ballot Title, and Submission Clause for 2009-2010 #45*, 234 P.3d 642, 647-48 (Colo. 2010). In setting titles, the Board "shall consider the public confusion that might be caused by misleading titles and shall, whenever practicable, avoid titles for which the general understanding of the effect of a 'yes/for' or 'no/against' vote will be unclear." C.R.S. § 1-40-106(3)(b). Moreover, "a material omission can create misleading titles." *Garcia v. Chavez*, 4 P.3d 1094, 1098 (Colo. 2000).

As adopted, the Titles are misleading because:

1. The title unfairly implies the measure would only restrict corporations and business entities by omitting mention of the broader authorization in the text of the initiative—for “prohibitions and other means deemed necessary”—which includes prohibitions not only of businesses but also of one local government conducting activities within the boundaries of another. Local governments in Colorado frequently interact in this way; for example, many communities obtain water supplies from outside their own boundaries. The title language does not reflect this material feature of the initiative when describing the local governments’ prohibitive powers only in relation to business entities.
2. The title unfairly implies that the exemption from preemption or nullification is absolute by omitting any mention of the limitation within subsection 3 of the Initiative, which states that local laws shall not be subject to preemption or nullification “*provided that* (A) Such local laws do not restrict fundamental rights of natural persons, their local communities, or nature secured by local, state, or federal constitutions, or by international law; and (B) Such local laws do not weaken protections for natural persons, their local communities, or nature provided by state, federal, or international law.” (Emphasis added).

For these reasons, the Titles do not conform to the statutory requirements of C.R.S. § 1-40-106(3)(b).

WHEREFORE, Petitioner Douglas Kemper respectfully requests a rehearing and reconsideration of the title and ballot title and submission clause set by the Title Board on December 16, 2015, for Initiative 2015-16 #40.

Respectfully submitted this 23rd day of December, 2015.

BURNS, FIGA & WILL, P.C.

By: 

Stephen H. Leonhardt, #15122

D. Alexander Wenzel, #45007

6400 S. Fiddlers Green Circle, Suite 1000
Greenwood Village, CO 80111

**Attorneys for Petitioner
Douglas Kemper**

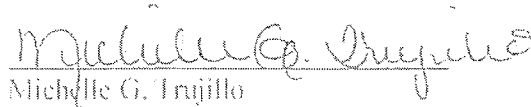
CERTIFICATE OF MAILING

The undersigned hereby certifies that a true and correct copy of the foregoing MOTION FOR REHEARING was served via email and U.S. Mail on this 23rd day of December 2015, as follows:

Jeffery Dean Ruybal
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Merrily D. Mazza
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Richard C. Kaufman
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Michelle G. Trujillo

RECEIVED

DEC 23 2015 *jm*
10:10am

BEFORE THE COLORADO BALLOT TITLE SETTING BOARD

IN THE MATTER OF THE TITLE AND BALLOT TITLE AND SUBMISSION CLAUSE FOR INITIATIVE
2015-2016 #40

DATE FILED: January 13, 2016 3:41 PM
COLORADO SECRETARY OF STATE

MOTION FOR REHEARING

Registered electors, Tracee Bentley and Stan Dempsey, through their legal counsel, Ryley Carlock & Applewhite, request a rehearing of the Title Board for Initiative 2015-2016 No. 40. As set forth below, Ms. Bentley and Mr. Dempsey respectfully object to the Title Board's setting of title and the ballot title and submission clause on the following grounds:

TITLE AND SUBMISSION CLAUSE

On December 16, 2015, the Title Board designated the title as follows:

An amendment to the Colorado constitution concerning a right to local self-government, and, in connection therewith, declaring that the people have an inherent right to local self-government in counties and municipalities, including the power to enact laws to establish and protect rights of natural persons, communities, and nature and the power to define or eliminate the rights and powers of corporations or business entities to prevent them from interfering with those rights; and declaring that such local laws are not subject to preemption or nullification by any federal, state, or international laws.

The Title Board set the ballot title and submission clause as follows:

Shall there be an amendment to the Colorado constitution concerning a right to local self-government, and, in connection therewith, declaring that the people have an inherent right to local self-government in counties and municipalities, including the power to enact laws to establish and protect rights of natural persons, communities, and nature and the power to define or eliminate the rights and powers of corporations or business entities to prevent them from interfering with those rights; and declaring that such local laws are not subject to preemption or nullification by any federal, state, or international laws?

GROUND FOR RECONSIDERATION

I. THE INITIATIVE IMPERMISSIBLY CONTAINS MULTIPLE SUBJECTS IN VIOLATION OF THE COLORADO CONSTITUTION AND STATUTES.

The Colorado Constitution and statutes require that each initiative that proposes an amendment to the Constitution shall contain only one subject and that subject shall be clearly expressed in the title. *See* Colo. Const. art. V., § 1(5.5); C.R.S. § 1-40-106.5; *In re Title, Ballot Title, Submission Clause*, 974 P.2d 458, 463 (Colo. 1999) (a proposed initiative violates the single subject rule where it "has at least two distinct and separate purposes which are not dependent

upon or connected with each other.”). The Board set title for Initiative No. 40 despite the fact that it contains multiple, distinct and separate purposes that are not dependent upon or connected with one another. Specifically, the initiative includes the following several, unrelated subjects:

- (1) Establishes an “inherent and inalienable” right of local self-government in the “people” which defines this right as one which is vested in a group rather than an individual. (#40, §1);
- (2) Establishes authority in local government to enact laws to protect health welfare and safety. (#40, § 2);
- (3) Establishes three separate legal regimes that allow local governments to define the “rights of natural persons, their local communities, and nature.” (#40, § 2);
- (4) Establishes a new constitutional and legal framework that allows local governments to enact laws affecting not just business entities, but every single subject of law contained in the Colorado Revised Statutes, including but not limited to water rights (Title 37), courts and procedure (Title 13), domestic relations (Title 14), and post-secondary education (Title 23). (#40, § 2);
- (5) Establishes a new preemption between state and local governments. (#40, § 3);
- (6) Includes the unrelated concept of “nullification” which is a separate subject (*Id.*);
- (7) Amends Article VI of the United States Constitution by making local government ordinances the “supreme Law of the Land.” (#40, §3);
- (8) Amends Article I, Sections 8, 9 and 10 of the United States Constitution by transferring to local government the authority over the subjects covered in that section. (#40, §3); and
- (9) In like manner, it alters Article V of the United States Constitution *sub silentio* by effecting a new procedure by which to amend the same.

These subjects are not connected or interdependent and therefore the Title Board lacks jurisdiction to set a title.

II. THE INITIATIVE’S PROVISIONS ARE SO VAGUE THE BOARD CANNOT SET A TITLE THAT ENCOMPASSES AND REFLECTS THE PURPOSE OF THE PROPOSAL.

Colorado Revised Statute §1-40-106(3)(c) requires the ballot title to accurately reflect the subject matter of an initiative to avoid confusion over its meaning and purpose. *Aisenberg v.*

Campbell, 987 P.2d 249, 253 (2000). The Title set for Initiative No. 40 violates this statutory provision in the following ways:

- (1) The measure purports to establish and recognize an “inherent and inalienable right of local self-government” which remains undefined and so vague that the title cannot effectively and clearly include the meaning of these terms.
- (2) The measure purports to allow local governments or the people to broadly enact any local laws to protect health, safety, and welfare, without definition or limit.
- (3) The measure purports to establish and recognize “rights of natural persons, their local communities, and nature.” The scope of these rights are undefined and unexplained in the title.
- (4) The measure purports to secure those “rights” through “prohibitions and other means deemed necessary.” The title cannot encompass such ambiguous and ill-defined terms as “prohibitions” and, particularly, “other means.”
- (5) As explained above in Section I, the measure encompasses every aspect of law contained in the Colorado Revised Statutes. The title does not (and likely could not) address the enormous breadth of the measure.
- (6) The measure, as explained in Section I above, amends at least three separate Articles of the United States Constitution. As set, the title does not even mention the United States Constitution and is therefore confusing and misleading.

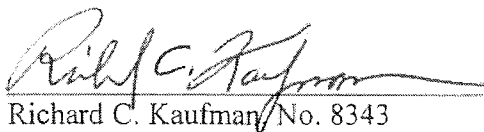
III. THE TITLE FAILS TO NOTE CRITICAL PROVISIONS OF THE MEASURE AND IS THEREFORE MISLEADING.

- (1) The title does not include the concept of “health, welfare and safety” found in section 2. That section defines, at least in part, the scope of authority granted to local government and the people to enact local ordinances. Failing to mention this important new authority renders the title misleading.

Based on the foregoing, Ms. Bentley and Mr. Dempsey respectfully request the Title Board conduct a re-hearing on the title set for Initiative 2015-2016 #40.

Respectfully submitted this 23rd day of December, 2015 by:

RYLEY CARLOCK & APPLEWHITE



Richard C. Kaufman, No. 8343

Sarah K. Pallotti, No. 45077

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Denver, Colorado 80203

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rkaufman@rcalaw.com

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*Attorneys for Tracee Brantley
and Howard Stanley Dempsey*

Objectors' addresses:

Tracee Bentley
301 Immigrant Trail
Severance, CO 80550


Howard Stanley Dempsey
3110 Alkire Street
Golden, CO 80401

CERTIFICATE OF SERVICE

I, Richard C. Kaufman, hereby affirm that a true and accurate copy of the **MOTION FOR REHEARING ON INITIATIVE 2015-2016 #40** was sent this day, December 23, 2015, via first class U.S. mail, postage pre-paid and via email to the proponents at:

Jeffery Dean Ruybal
224 North 6th
Windsor, CO 80550-5020
dnery@aol.com

Merrily D. Mazza
581 Wild Ridge Lane
Lafayette, CO 80026
merrily.mazza@comcast.net


Richard C. Kaufman

RECEIVED

7:01 A.M.

DEC 02 2015

Colorado Secretary of State

2015-2016 #40
Final

DATE FILED: January 13, 2016 3:47 PM

Be it Enacted by the People of the State of Colorado

In the constitution of the state of Colorado, **add** section 32 to article II as follows:

SECTION 32. RIGHT OF LOCAL COMMUNITY SELF-GOVERNMENT

(1) AS ALL POLITICAL POWER IS VESTED IN AND DERIVED FROM THE PEOPLE, AND AS ALL GOVERNMENT OF RIGHT ORIGINATES FROM THE PEOPLE, THE PEOPLE HAVE AN INHERENT AND INALIENABLE RIGHT OF LOCAL COMMUNITY SELF-GOVERNMENT IN EACH COUNTY, CITY, TOWN, AND OTHER MUNICIPALITY.

(2) THAT RIGHT SHALL INCLUDE THE POWER OF THE PEOPLE, AND THE POWER OF THEIR GOVERNMENTS, TO ENACT LOCAL LAWS THAT PROTECT HEALTH, SAFETY, AND WELFARE BY RECOGNIZING OR ESTABLISHING RIGHTS OF NATURAL PERSONS, THEIR LOCAL COMMUNITIES, AND NATURE, AND BY SECURING THOSE RIGHTS USING PROHIBITIONS AND OTHER MEANS DEEMED NECESSARY BY THE COMMUNITY, INCLUDING MEASURES TO ESTABLISH, DEFINE, ALTER, OR ELIMINATE COMPETING RIGHTS, POWERS, PRIVILEGES, IMMUNITIES, OR DUTIES OF CORPORATIONS AND OTHER BUSINESS ENTITIES OPERATING, OR SEEKING TO OPERATE, IN THE COMMUNITY.

(3) NOTWITHSTANDING SECTION 16 OF ARTICLE XIV OR SECTION 6 OF ARTICLE XX OF THIS CONSTITUTION, LOCAL LAWS ADOPTED PURSUANT TO SUBSECTION (2) OF THIS SECTION SHALL NOT BE SUBJECT TO PREEMPTION OR NULLIFICATION BY INTERNATIONAL, FEDERAL, OR STATE LAW, PROVIDED THAT:

(A) SUCH LOCAL LAWS DO NOT RESTRICT FUNDAMENTAL RIGHTS OF NATURAL PERSONS, THEIR LOCAL COMMUNITIES, OR NATURE SECURED BY LOCAL, STATE, OR FEDERAL CONSTITUTIONS, OR BY INTERNATIONAL LAW; AND

(B) SUCH LOCAL LAWS DO NOT WEAKEN PROTECTIONS FOR NATURAL PERSONS, THEIR LOCAL COMMUNITIES, OR NATURE PROVIDED BY STATE, FEDERAL, OR INTERNATIONAL LAW.

(4) ALL PROVISIONS OF THIS SECTION ARE SELF-EXECUTING AND SEVERABLE.

Designated Representatives

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Ballot Title Setting Board

Proposed Initiative 2015-2016 #40¹

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

An amendment to the Colorado constitution concerning a right to local self-government, and, in connection therewith, declaring that the people have an inherent right to local self-government in counties and municipalities, including the power to enact laws to establish and protect rights of natural persons, communities, and nature and the power to define or eliminate the rights and powers of corporations or business entities to prevent them from interfering with those rights; and declaring that such local laws are not subject to preemption or nullification by any federal, state, or international laws.

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 a right to local self-government, and, in connection therewith, declaring that the people have an inherent right to local self-government in counties and municipalities, including the power to enact laws to establish and protect rights of natural persons, communities, and nature and the power to define or eliminate the rights and powers of corporations or business entities to prevent them from interfering with those rights; and declaring that such local laws are not subject to preemption or nullification by any federal, state, or international laws?

Hearing December 16, 2015:

Single subject approved; staff draft amended; titles set.

Hearing adjourned 11:55 a.m.

¹ Unofficially captioned “**Local Governance**” by legislative staff for tracking purposes. This caption is not part of the titles set by the Board.



DATE FILED: January 13, 2016 3:41 PM

STATE OF COLORADO

DEPARTMENT OF
STATE

CERTIFICATE

I, **WAYNE W. WILLIAMS**, Secretary of State of the State of Colorado, do hereby certify that:

the attached are true and exact copies of the filed text, motions for rehearing, and the rulings thereon of the Title Board for Proposed Initiative "2015-2016 #40 'Local Governance'"

.....

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 8th day of January, 2016.

Wayne W. Williams
SECRETARY OF STATE



SUPREME COURT 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 Board

In the Matter of the Title, Ballot Title, and Submission
Clause for Proposed Initiative 2015-2016 #40 (“Right of
Local Community Self-Government”)

**Petitioners: TRACEE BENTLEY AND STAN
DEMPSEY**

v.

**Respondents: JEFFERY DEAN RUYBAL AND
MERRILY D. MAZZA**

and

**Title Board: SUZANNE STAIERT; SHARON
EUBANK; AND FREDERICK R. YARGER**

▲ COURT USE ONLY ▲

Attorneys for Petitioner:
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RYLEY CARLOCK & APPLEWHITE
1700 Lincoln Street, Suite 3500
Denver, Colorado 80203
Telephone: (303) 863-7500
Facsimile: (303) 595-3159

Case Number:

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of January, 2016, a true and correct copy of the foregoing Petition for Review was placed in the U.S. mail, postage prepaid, addressed to the following:

Suzanne Staiert
Colorado Department of State
1700 Broadway, Suite 200
Denver, CO 80203

Sharon Eubanks
Office of Legislative Legal Svs.
200 E. Colfax, Rm 091
Denver, CO 80203

Frederick R. Yarger
Gibson Dunn & Crutcher
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Denver, CO 80202

s/Ann I. Palius