

752
Clerk

DATE FILED: May 5, 2016

<p>Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203</p>	
<p>Original Proceeding Pursuant to § 1-40-107(2) C.R.S (2015) Appeal from the Ballot Title Board</p>	<p>▲ COURT USE ONLY ▲</p>
<p>In the Matter of the Title, Ballot Title, and Submission Clause for Proposed Initiative 2015-2016 #114</p> <p>Petitioner: D'Arcy Straub¹</p> <p>v.</p> <p>Respondents: Laura C. Reinsch</p> <p>and</p> <p>Title Board.</p>	<p>Supreme Court Case No: 16 SA 150</p> <p>FILED IN THE SUPREME COURT</p> <p>MAY 04 2016</p> <p>OF THE STATE OF COLORADO Christopher T. Ryan, Clerk</p>
<p>Attorney for Petitioner: None, petitioner is proceeding <i>pro se</i>.</p> <p>D'Arcy Straub 6772 W. Ida Dr. #327 Littleton, CO 80123 303-794-4109</p>	
<p>PETITION FOR REVIEW OF FINAL ACTION OF BALLOT TITLE SETTING BOARD CONCERNING PROPOSED INITIATIVE 2015-2016 #114 ("CIVIL UNIONS AND MARRIAGES")</p>	

¹Gene Straub was the second proponent for Proposed Initiative #114. Pursuant to C.R.S. § 1-40-107(2), "any person" – or one person – can petition the Supreme Court for court review. D'Arcy Straub proceeds as a single petitioner to simplify signature requirements and service of briefs.

D'Arcy Straub ("Petitioner"), registered elector of the State of Colorado, respectfully petitions 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 #114 ("Civil Unions and Marriages") (hereinafter "Proposed Initiative").

STATEMENT OF THE CASE

A. Procedural History of Proposed Initiative #114

D'Arcy Straub, (the "Petitioner") and Gene Straub (collectively the "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 18, 2016. Proponents submitted a final version of the Proposed Initiative to the Secretary of State on or about April 8, 2016 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 the title for the Proposed Initiative at its April 20, 2016 meeting. On April 27, 2016 Respondent Laura C. Reinsch timely filed a Motion for Rehearing pursuant to C.R.S. § 1-40-107(1)(a), alleging that: 1) the Proposed Initiative violated the single-subject requirement contained within the Colo. Const. art. V., § 1(5.5) and C.R.S. § 1-40-106.5; and 2) the Proposed Initiative's title was misleading and inaccurate as required by the C.R.S. §§ 1-40-106, -107. The Title Board considered the Respondent's motion at its April 28, 2016 meeting. The Respondent's motion was granted by finding the Proposed Initiative violated the single-subject requirement and withdrew the title as set on April 20, 2016.

B. Jurisdiction

Petitioner submits this matter to the Colorado Supreme Court for review pursuant to C.R.S. § 1-40-107(2). Petitioner timely filed this Petition for Review within seven days from the date of rehearing, April 28, 2016, as required by C.R.S. § 1-40-107(2).

Consistent with the requirement of C.R.S. § 1-40-107(2), Petitioner has attached the following documents certified by the Secretary of State: (1) the original, redlined, and final versions of the Proposed Initiative filed by the Proponents; (2) the original ballot title set for this measure; (3) the Respondent's Motion for Rehearing; and (4) the Title Board's ruling on the Motion for Rehearing. Petitioner respectfully submits that the Title Board erred in granting the Motion for Rehearing, and therefore this matter is properly before this Court.

GROUND FOR APPEAL

The Title Board erroneously concluded that the initiative possessed more than one subject in violation of Colo. Const. art. V., § 1(5.5) and C.R.S. § 1-40-106.5. An advisory list of the issues of fact and law to be discussed that led to the erroneous conclusion are as follows:

1. The Proponents believe the single subject of the initiative to be as follows: the government may not implicitly or explicitly define the word "marriage" in either support of or opposition to various religious beliefs. *See* § 14-16-103(1) of the Proposed Initiative. The Proponents believe the Establishment Clause of the U.S. Constitution requires the government to remain neutral on issues concerning religion.
2. The Title Board did not rely upon any of the grounds listed in the Petitioner's Motion for Rehearing to conclude the Proposed Initiative violated the single-subject requirement.

Rather, one member of the Title Board independently concluded that the inability of the State to define “marriage” would eliminate the benefits available to married couples when filing their federal income tax returns, and this comprised a second subject of the initiative.

3. The Petitioner believes the Title Board erred in concluding the Proposed Initiative possesses more than one subject. To arrive at their conclusion, the Title Board inappropriately characterized the Proposed Initiative to conclude a couple, whether same-sex or opposite-sex, could not enjoy the benefits available to married couples when filing their federal income tax returns. The Proposed Initiative retains the fundamental right for any couple to consider themselves married under the law.
4. The Title Board also misapplied single-subject law in believing the alleged second subject is coiled in the folds of a complex initiative or the alleged second subject is a surreptitious subject involving surprise and fraud. First, although the effects of the initiative are far-reaching and broad, the Proposed Initiative is not complex. Second, the primary provisions of the Proposed Initiative are statutory, and statutory provisions are not the tools of proponents desiring to engage in surprise as fraud, as such effects can be easily remedied by the General Assembly.
5. Although the Title Board did not consider any of the arguments presented in the Respondent’s Motion for Rehearing, the Petitioner will address: 1) the Motion for Rehearing inappropriately called for the Title Board to act as a court and make legal conclusions; and 2) the Respondent’s faulty argument that the title originally set by the

Title Board is misleading and inaccurate.

PRAYER FOR RELIEF

Petitioner respectfully requests that after consideration of the parties' briefs, this Court determine that the proposed initiative complies with the single-subject requirement and that the title as originally set by the Title Board correctly and fairly express the true intent of the Proposed Initiative. The Petitioner respectfully requests that this Court additionally dismiss the Petitioner's Motion for Rehearing with prejudice and remand the Proposed Initiative to the Title Board that includes the instruction to reset the title as originally set.

Respectfully submitted this 4th day of May 2016.




D'Arcy Straub
6772 W. Ida Dr. #327
Littleton, CO 80123
303-794-4109

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of May 2016 a true and correct copy of the foregoing Petition for Review was served by sending a true and correct copy, via first class U.S. mail, postage prepaid, to the Respondents' Counsel and addressed to:

Mark Grueskin
1600 Stout St., Suite 1000
Denver, CO 80202
Attorney for Respondent Reinsch

Lee Ann Morrill
Office of the Attorney General
1300 Broadway, 6th Floor
Denver, CO 80203
Attorney for the Title Board



D'Arcy Straub



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, motion for rehearing, and the rulings thereon of the Title Board for Proposed Initiative "2015-2016 #114 'Civil Unions and Marriages'".....

..... **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 2nd day of May, 2016.

Wayne W. Williams
SECRETARY OF STATE



RECEIVED

S. WARD

APR 07 2016

11:24 P.M.

Final Typewritten Draft of Initiative #114

Colorado Secretary of State

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

SECTION 1. In the constitution of the state of Colorado, **amend** section 31 of article II as follows:

Section 31. Civil Unions and Marriages. ~~Only a union of one man and one woman shall be valid or recognized as a marriage in this state.~~ THE STATE OF COLORADO SHALL RESPECT THE ESTABLISHMENT, EQUAL PROTECTION, AND DUE PROCESS CLAUSES OF THE U.S. CONSTITUTION FOR ISSUES CONCERNING CIVIL UNIONS AND MARRIAGES.

SECTION 2. In Colorado Revised Statutes, **add** article 16 to title 14 as follows:

14-16-101. Short title. THE SHORT TITLE OF THIS ARTICLE IS THE "MARRIAGE AND ESTABLISHMENT CLAUSE ACT".

14-16-102. Purpose and findings.

(1) Applicability of the equal protection and due process clauses of the U.S. Constitution to ensure equality for all couples. THE PEOPLE OF THE STATE OF COLORADO FIND AND DECLARE THAT A SAME-SEX COUPLE AND AN OPPOSITE-SEX COUPLE ARE ENTITLED TO THE SAME RIGHTS, PROTECTIONS, AND BENEFITS UNDER THE LAW THAT ARE SECURED BY THE EQUAL PROTECTION AND DUE PROCESS CLAUSES OF THE U.S. CONSTITUTION.

(2) Relevance of marriage to religious authorities and beliefs. THE PEOPLE OF THE STATE OF COLORADO FIND AND DECLARE THAT THE WORD "MARRIAGE" OCCURS WITHIN VARIOUS RELIGIOUS AUTHORITIES AND THAT MANY CITIZENS HOLD VIEWS ON MARRIAGE THAT INVOLVE THEIR PERSONAL RELIGIOUS BELIEFS, INCLUDING THOSE RELIGIOUS BELIEFS THAT SUPPORT A SAME-SEX MARRIAGE AND THOSE RELIGIOUS BELIEFS THAT OPPOSE A SAME-SEX MARRIAGE.

(3) Applicability of the establishment clause of the U.S. Constitution to thwart religious intolerance. THE PEOPLE OF THE STATE OF COLORADO FIND AND DECLARE THAT RELIGIOUS INTOLERANCE AND THE HOSTILITY IT FOSTERS IS A DESTRUCTIVE FORCE IN SOCIETY, AND THE DANGER OF RELIGIOUS INTOLERANCE OCCURS WHEN A GOVERNMENT FAVORS OR DISFAVORS AN ISSUE INVOLVING RELIGIOUS BELIEFS. THE PEOPLE OF THE STATE OF COLORADO FURTHER FIND AND DECLARE THAT THE STATE AND ANY LOCAL GOVERNMENT, INCLUDING A COUNTY, A MUNICIPALITY, AND A CITY AND COUNTY, COMPLY WITH THE ESTABLISHMENT CLAUSE OF THE U.S. CONSTITUTION BY MAINTAINING A POSITION OF NEUTRALITY ON THE DEFINITION OF MARRIAGE.

(4) The individual liberty associated with the institution of marriage. THE PEOPLE OF THE STATE OF COLORADO FIND AND DECLARE THAT THE INSTITUTION OF MARRIAGE INVOLVES A FORM OF INDIVIDUAL EXPRESSION, WHETHER SECULAR OR RELIGIOUS, AND A

GOVERNMENT WITHIN A FREE SOCIETY PRINCIPALLY AFFORDS ITS CITIZENS THE LIBERTY TO FREELY EXPRESS THEMSELVES ACCORDING TO THEIR OWN BELIEFS.

14-16-103. The authority granted to the state or a local government to govern a union of a couple.

(1) **Protecting individual liberty by limiting government authority.** THE INDIVIDUAL LIBERTY TO DEFINE A MARRIAGE ACCORDING TO A PERSON'S INDIVIDUAL BELIEFS SHALL NOT BE ABRIDGED BY THE STATE OR A LOCAL GOVERNMENT PRESCRIBING OR RECOGNIZING ANY LAW THAT IMPLICITLY OR EXPLICITLY DEFINES THE WORD "MARRIAGE."

(2) **Legislative and administrative authority.** (a) THE LEGISLATURE AND ANY ADMINISTRATIVE AGENCY OF THE STATE OR A LOCAL GOVERNMENT MAY PRESCRIBE ANY LAW OR RULE THAT GOVERNS A CIVIL UNION BETWEEN A SAME-SEX COUPLE OR BETWEEN AN OPPOSITE-SEX COUPLE.

(b) ALL LAWS OR RULES INCONSISTENT WITH THIS ARTICLE OR SECTION 31 OF ARTICLE II OF THE COLORADO CONSTITUTION SHALL BE AMENDED OR REPEALED TO REMEDY ANY INCONSISTENCY.

(3) **Judicial, executive, and other governmental authority.** THE JUDICIARY, THE EXECUTIVE, AND ANY OTHER GOVERNMENTAL AUTHORITY OF THE STATE OR A LOCAL GOVERNMENT SHALL RECOGNIZE A MARRIAGE ESTABLISHED IN THE STATE OF COLORADO BEFORE THE EFFECTIVE DATE OF THIS ARTICLE OR A MARRIAGE ESTABLISHED OUTSIDE THE STATE OF COLORADO AS A CIVIL UNION.

14-16-104. The effect of this article on a legal right, protection, benefit, or obligation.

(1) OTHER THAN SECURING FOR THE PEOPLE THE INDIVIDUAL LIBERTY TO DEFINE A MARRIAGE ACCORDING TO THEIR OWN BELIEFS, NOTHING WITHIN THIS ARTICLE SHALL BE CONSTRUED TO:

(a) INCREASE OR DECREASE A LEGAL RIGHT, PROTECTION, OR BENEFIT OWED TO AN INDIVIDUAL THROUGH AN OPERATION OF THE LAW; OR

(b) INCREASE OR DECREASE A LEGAL OBLIGATION OWED BY AN INDIVIDUAL, THE STATE, A LOCAL GOVERNMENT, OR ANY OTHER ENTITY THROUGH AN OPERATION OF THE LAW.

14-16-105. Severability. IF ANY PROVISION OF THIS ARTICLE OR THE APPLICATION OF THIS ARTICLE TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, SUCH INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS ARTICLE THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS ARTICLE ARE DECLARED TO BE SEVERABLE.

SECTION 3. Effective date. These voter enacted provisions shall take effect on July 1, 2017.

RECEIVED SWARD

APR 07 2016 11:24 P.M.

Highlighted Amended Draft of Initiative #114

Colorado Secretary of State

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

SECTION 1. In the constitution of the state of Colorado, amend section 31 of article II as follows:

Section 31. Civil Unions and Marriages. ~~Only a union of one man and one woman shall be valid or recognized as a marriage in this state.~~ THE STATE OF COLORADO SHALL RESPECT THE ESTABLISHMENT, EQUAL PROTECTION, AND DUE PROCESS CLAUSES OF THE U.S. CONSTITUTION FOR ISSUES CONCERNING CIVIL UNIONS AND MARRIAGES.

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RECEIVED S. WARD
APR 07 2016 11:24 P.M.

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SECTION 3. Effective date – applicability. These voter enacted provisions shall take effect on July 1, 2017.

Ballot Title Setting Board

Proposed Initiative 2015-2016 #114¹

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

An amendment to the Colorado constitution and a change to the Colorado Revised Statutes concerning marriage, and, in connection therewith, replacing the statement in the Colorado constitution that only a union of one man and one woman is valid or recognized as a marriage with a statement requiring the state of Colorado to respect the Establishment, Equal Protection, and Due Process Clauses of the United States constitution for issues concerning civil unions and marriages and enacting new statutes that prohibit the state or a local government from enacting or recognizing any law that defines marriage, require recognition of all out-of-state marriages and previously established Colorado marriages as civil unions, authorize laws and rules governing civil unions, and require the amendment or repeal of all existing inconsistent laws or rules.

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 and a change to the Colorado Revised Statutes concerning marriage, and, in connection therewith, replacing the statement in the Colorado constitution that only a union of one man and one woman is valid or recognized as a marriage with a statement requiring the state of Colorado to respect the Establishment, Equal Protection, and Due Process Clauses of the United States constitution for issues concerning civil unions and marriages and enacting new statutes that prohibit the state or a local government from enacting or recognizing any law that defines marriage, require recognition of all out-of-state marriages and previously established Colorado marriages as civil unions, authorize laws and rules governing civil unions, and require the amendment or repeal of all existing inconsistent laws or rules?

*Hearing April 20, 2016:
Single subject approved; staff draft amended; titles set.
Hearing adjourned 4:05 p.m.*

¹ Unofficially captioned “**Civil Unions and Marriages**” by legislative staff for tracking purposes. This caption is not part of the titles set by the Board.

RECEIVED

APR 27 2016

S. WARD
1:38 P.M.

BEFORE THE COLORADO BALLOT TITLE SETTING BOARD

Colorado Secretary of State

Laura C. Reinsch, Objector

vs.

D'Arcy Straub and Gene Straub, Proponents.

**MOTION FOR REHEARING ON INITIATIVE 2015-2016 #114
("Civil Unions and Marriage")**

Laura C. Reinsch, a registered elector of the State of Colorado, through legal counsel, Recht Kornfeld P.C., objects to the Title Board's title and ballot title and submission clause set for Initiative 2015-16 #114 ("Civil Unions and Marriage").

A. The Title Board set a title for Initiative 2015-16 #114 on April 20, 2016.

At the hearing held in connection with this proposed initiative, the Board designated and fixed the following ballot title and submission clause:

Shall there be an amendment to the Colorado constitution and a change to the Colorado Revised Statutes concerning marriage, and, in connection therewith, replacing the statement in the Colorado constitution that only a union of one man and one woman is valid or recognized as a marriage with a statement requiring the state of Colorado to respect the Establishment, Equal Protection, and Due Process Clauses of the United States constitution for issues concerning civil unions and marriages and enacting new statutes that prohibit the state or a local government from enacting or recognizing any law that defines marriage, require recognition of all out-of-state marriages and previously established Colorado marriages as civil unions, authorize laws and rules governing civil unions, and require the amendment or repeal of all existing inconsistent laws or rules?

B. Initiative #114 contains multiple subjects, contrary to Colo. Const., art. V, sec. 1(5.5).

1. This measure cannot be encapsulated within a single subject.

The single subject of the proposed initiative – "concerning marriage" – is really an umbrella label for a measure that the proponents have not adequately defined and that the Title Board admits defies clear explanation. *In re Title, Ballot Title, and Submission Clause and Summary for Proposed Initiative for 1997–1998 # 64, 960 P.2d 1192, 1200 (Colo. 1998)* ("If the entire judicial branch were regarded as a single subject, incongruous and disconnected provisions

could be contained in a single initiative and the very practices the single subject requirement was intended to prevent would be facilitated.”). In the original hearing on this measure, members of the Board were candid about the confusion that is inherent to this measure due to the wording used. Because the measure is vague and incomprehensible, the Board cannot set a title because it cannot identify the confines of the measure itself.

[T]he Board's uncertainty as to whether the instant initiatives contained multiple subjects necessarily leads us to the conclusion that the title does not satisfy the long-standing requirement that it “clearly” state the single subject proposed by the initiatives. Before a clear title can be written, the Board must reach a definitive conclusion as to whether the initiatives encompass multiple subjects. Absent a resolution of whether the initiatives contain a single subject, it is axiomatic that the title cannot clearly express a single subject.

In re Title, Ballot Title and Submission Clause, and Summary for 1999-2000 No. 25, 974 P.2d 458, 468-69 (Colo. 1999).

2. This measure vaguely addresses constitutional rights under the U.S. Constitution by amending one provision of the State Constitution and also prospectively eliminates the fundamental right of marriage.

In addition to acknowledging the applicability of certain constitutional precepts under the U.S. Constitution, the initiative also abolishes state-sanctioned marriage – a fundamental constitutional right – and codifies civil unions, thus altering certain statutory rights of persons who may seek the benefits of marriage but do not seek or are philosophically opposed to a religious marriage. *In re Title, Ballot Title, and Submission Clause for Proposed Initiative 2001-2002 No. 43, 46 P.3d 438, 448 (Colo. 2002)* (measure that altered petition rights and fundamental constitutional right of personal property ownership violated the single subject requirement). The right to marry is a fundamental constitutional right, and no couple may be deprived of that right. *Obergefell v. Hodges*, 135 S.Ct. 2584, 2605 (2015). The prospective abolition of a fundamental constitutional right is a separate subject.

3. This measure vaguely addresses constitutional rights under the U.S. Constitution by amending one provision of the State Constitution and also retroactively eliminates the fundamental right of marriage.

In addition to acknowledging the applicability of certain constitutional precepts under the U.S. Constitution and prospectively abolishing the fundamental right of state-sanctioned marriage, the initiative also retroactively abolishes the fundamental right of state-sanctioned marriage and converts any Colorado married couple’s legal status from marriage to a civil union. *In re Proposed Petition to Add Section 2 of Article VII to the Colorado Constitution*, 900 P.2d 104, 109 (Colo.1995) (creation of retroactive fundamental rights was a second subject in a measure that addressed petition procedures). That retroactive deprivation of a fundamental constitutional right is a separate subject.

4. This measure vaguely addresses constitutional rights under the U.S. Constitution by amending one provision of the State Constitution and also adopts civil unions as the sole form of state-sanctioned union.

The obvious needs restating here: a civil union is not a marriage. Colorado statute recognizes this fact. C.R.S. §§14-15-102 (“the general assembly, in the exercise of its plenary power, has the authority to define other arrangements, such as a civil union between two unmarried persons regardless of their gender”); -118 (Colorado Civil Union Act “**shall not be construed to create a marriage between the parties to a civil union...**”) (emphasis added). The courts also recognize this fact. *See, e.g., Bishop v. Oklahoma ex rel. Edmondson*, 447 F.Supp. 2d 1239, 1247 (2006); *Burns v. Burns*, 560 S.E.2d 47, 48 (Ga. App. 2002). “Civil unions” thus does not fit within the alleged single subject of “concerning marriage.”

Accordingly, Initiative #114’s repeal of the right to state-sanctioned marriage is its own subject. The adoption of a comprehensive system of civil unions (prospective and retroactive) is “separate and unconnected” as a subject of this measure. *See #64, supra*, 960 P.2d at 1200.

5. This measure also authorizes the enactment of restrictive or conflicting laws and rules about civil unions, including by “any administrative agency of the state or a local government.”

The measure also empowers the General Assembly “and any administrative agency of the state or a local government” to “prescribe any law or rule that governs a civil union between a same-sex couple or between an opposite-sex couple.” This is the measure’s “Kim Davis” provision, authorizing any local official to erect impediments to civil unions as she might see fit. Not only does this initiative seek to eliminate a fundamental right, prospectively and retroactively, this specific provision surreptitiously authorizes local agencies to undercut the remaining “right” of a civil union. This is precisely the type of provision that is “coiled in the folds” of a complex measure that will surprise voters and thus violate the single subject requirement. *In re Proposed Initiative for 2009–2010 # 91*, 235 P.3d 1071, 1079-80 (Colo. 2010).

6. The Title Board lacks jurisdiction to set a title for a measure that is patently unconstitutional.

The Title Board is a constitutionally authorized body. The elected and appointed officials who are its members, or their designees, have no power to act contrary to the United States Constitution. An initiative that deprives Coloradans of a recognized fundamental right is, by definition, contrary to the Constitution. In order to uphold their oaths of office, no appointee to the Board or a designee acting for a statutory appointee may establish a ballot title for this initiative. Initiative #114 is clearly unconstitutional and clearly unlawful, a matter that is now settled law, and because it cannot be given effect, should not be placed on the ballot.

C. Initiative #114's title is misleading and inaccurate, contrary to C.R.S. §§ 1-40-106, -107.

1. An initiative that cannot be fully explained and understood by the Board cannot be accurately described by the Board in a ballot title.

2. The phrase "require recognition of all out-of-state marriages and previously established Colorado marriages as civil unions" is misleading when the measure "prevents recognition" of all state-sanctioned marriages.

3. The title fails to clearly and specifically state that the initiative proposes to repeal the fundamental to marry, both prospectively and retroactively.

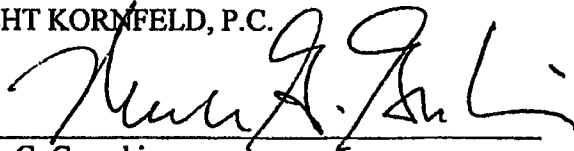
4. The phrase "authorize laws and rules governing civil unions" fails to describe the fact that such provisions can: (a) be adopted at the state or the local levels; (b) emanate from administrative agencies at either level; and (c) either impose or remove requirements related to civil unions.

5. The phrase "prohibit the state or local government from enacting or recognizing any law that defines marriage" fails to succinctly describe what the initiative does: "prohibit state-sanctioned marriage in Colorado."

WHEREFORE, the titles set April 20, 2016 should be reversed, due to the single subject violations and the Board's lack of jurisdiction, as addressed herein, or in the alternative, be reworded to account for the misleading and inaccurate representation of the initiative.

RESPECTFULLY SUBMITTED this 27th day of April, 2016.

RECHT KORNFIELD, P.C.



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CERTIFICATE OF SERVICE

I hereby affirm that a true and accurate copy of the MOTION FOR REHEARING ON INITIATIVE 2015-2016 #114 was sent this day, April 27, 2016 via email to proponents at:

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Erin Holweger

Ballot Title Setting Board

Proposed Initiative 2015-2016 #114¹

Hearing April 20, 2016:

Single subject approved; staff draft amended; titles set.

Hearing adjourned 4:05 p.m.

Rehearing April 28, 2016:

Motion for Rehearing granted; title setting denied on the basis that the initiative does not constitute a single subject.

Hearing adjourned 1:07 p.m.

¹ Unofficially captioned “Civil Unions and Marriages” by legislative staff for tracking purposes. This caption is not part of the titles set by the Board.