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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 2025-
2026 #240

Petitioner: WAYNE WILLIAMS

v.

Respondents: TANYA NATHAN AND
LINDSEY RASMUSSEN

and

Title Board: THERESA CONLEY; KURT
MORRISON; and MICHAEL DOHR

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Case No.: 2026SA126

**OPENING BRIEF OF RESPONDENTS TANYA NATHAN AND
LINDSEY RASMUSSEN IN SUPPORT OF
PROPOSED INITIATIVE 2025-2026 #240**

CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with all requirements of C.A.R. 28 and C.A.R. 32, including all formatting requirements set forth in these rules.

Specifically, the undersigned certifies that:

The brief complies with the applicable word limits set forth in C.A.R. 28(g) because it contains 2,575 words.

The brief complies with the standard of review requirements set forth in C.A.R. 28(a)(7)(A), because it contains under a separate heading before the discussion of the issue, as applicable, a concise statement: (1) of the applicable standard of appellate review with citation to authority; and (2) whether the issue was preserved, and if preserved, the precise location in the record where the issue was raised and where the court ruled, not to an entire document.

I acknowledge that my brief may be stricken if it fails to comply with any of the requirements of C.A.R. 28 and C.A.R. 32.

By: /s/ Martha M. Tierney

TABLE OF CONTENTS

STATEMENT OF THE ISSUES PRESENTED FOR REVIEW	1
STATEMENT OF THE CASE AND FACTS.....	2
SUMMARY OF ARGUMENT.....	3
ARGUMENT.....	4
I. The Initiative Complies with the Single Subject Requirement.....	4
A. Standard of Review and Preservation	4
B. Initiative #240 Has a Single Subject.....	6
1. The Changes to District Lines for Seats on the University of Colorado Board of Regents and Seats on the Colorado State Board of Education Do Not Create a Separate Subject	7
2. The Changes to District Lines for Congressional Districts Do Not Create a Separate Subject.....	9
3. The Proposed Initiative’s Grant of Authority for the Independent Redistricting Commission to Continue to Engage in Congressional Redistricting in 2031 and Every Ten Years Thereafter Is Not a Separate Subject	10
II. The Title Set by the Title Board Is Not Misleading.....	10
A. Standard of review and preservation.....	10
B. The Title Properly Informs Voters of the Key Features of the Proposed Initiative	11
CONCLUSION.....	12

TABLE OF AUTHORITIES

Page(s)

CASES

<i>In re Title, Ballot Title & Submission Clause for 2011-2012 #3,</i> 2012 CO 25.....	5
<i>In re Title, Ballot Title & Submission Clause for 2013-2014 #89,</i> 2014 CO 66.....	5
<i>In re Title, Ballot Title & Submission Clause for 2019-2020 #3,</i> 2019 CO 57.....	5, 11
<i>In re Title, Ballot Title & Submission Clause for 2015-2016 #63,</i> 2016 CO 34.....	5, 6
<i>In re Title, Ballot Title & Submission Clause for 2013-2014 #76,</i> 2014 CO 52.....	6
<i>In re Title, Ballot Title & Submission Clause for 2007-2008 #61,</i> 184 P.3d 747 (Colo. 2008).....	6
<i>In re Title, Ballot Title & Submission Clause for 2013-2014 #90</i> 2014 CO 63.....	9, 10, 11
<i>In re Title, Ballot Title & Submission Clause for 1997-1998 #74,</i> 962 P.2d 927 (Colo. 1998).....	10
<i>In re Title, Ballot Title & Submission Clause for 2015-2016 #73,</i> 2016 CO 24.....	11
<i>In re Title, Ballot Title & Submission Clause for 2001-2002 #21 & #22, 44 P.3d</i> 213 (Colo. 2002).....	11
<i>In re Title, Ballot Title & Submission Clause for 1999-2000 #256,</i> 12 P.3d 246 (Colo. 2000).....	12
<i>In re Title, Ballot Title & Submission Clause for 2007-2008 #62,</i> 184 P.3d 52 (Colo. 2008).....	12

STATUTES

§ 1-40-106, C.R.S.2
§ 1-40-106.5, C.R.S.2
§ 1-40-106.5(1)(a), C.R.S.5
§ 23-20-102, C.R.S.8

CONSTITUTIONS

Colo. Const. art. V, §1(5.5).....2, 5
Colo. Const. art. IX, § 17

OTHER AUTHORITIES

Univesity of Colorado Regents, Information
<https://regents.cu.edu>7
University of Colorado Regents, Districts Elected 2020
<https://www.cu.edu/blog/government-relations/colorado-state-and-cu-regents-election-overview>7
State Board of Education, Districts Elected 2020
https://ballotpedia.org/Colorado_State_Board_of_Education_election,_2020.....8
Colorado 2021 Congressional Redistricting Maps
<https://redistricting.colorado.gov/content/2021-final-maps>8
Changes to Congressional District Lines in 2021
<https://www.denver7.com/news/politics/colorado-congressional-redistricting-commission-approves-map-to-send-to-state-supreme-court>8

Respondents Lindsey Rasmussen and Tanya Nathan, designated representatives of the proponents of Proposed Initiative 2025-2026 #240 (the “Proposed Initiative”), through undersigned counsel, respectfully submit their Opening Brief as follows:

STATEMENT OF THE ISSUES PRESENTED FOR REVIEW

The issues presented for review appear to be the following:

Whether the Proposed Initiative contains an impermissible second subject by adopting new congressional district maps for 2028 and 2030, resulting in new districts for the State Board of Education and University of Colorado Regents, and allowing the congressional independent redistricting commission to adopt new congressional district maps following the decennial census in 2031, and every ten years thereafter.

Whether the Title that the Title Board drafted for the Proposed Initiative is misleading because it does not describe the new map in detail, does not apprise voters that the new maps will create new districts for the State Board of Education and University of Colorado Regents, and does not state that the map’s purpose is to gerrymander districts.

STATEMENT OF THE CASE AND FACTS

Respondents Tanya Nathan and Lindsey Rasmussen are the designated representatives of the proponents of the Proposed Initiative (“Proponents”). Proponents submitted their Proposed Initiative to the Title Board for the setting of a title and submission clause pursuant to § 1-40-106, C.R.S., on March 6, 2026. *Record*, pp. 17-49.

The Title Board held a hearing on March 18, 2026, where it determined that the Proposed Initiative contained a single subject pursuant to Colo. Const. art. V, §1(5.5) and § 1-40-106.5, C.R.S., and set a title. *Record*, p. 14. Petitioner Wayne Williams and Objector Robert Balink each filed a Motion for Rehearing contending that the Proposed Initiative contains multiple subjects in violation of the single-subject requirement, and that the title as set by the Title Board was misleading. *Record*, pp. 2-7 (Balink Motion), and *Record*, pp. 8-13 (Williams Motion). The Title Board held a rehearing on April 1, 2026, at which time it denied both Motions for Rehearing in their entirety. *Record*, pp. 15-16. The title set by the Title Board is as follows:

Shall there be an amendment to the Colorado Constitution and a change to the Colorado Revised Statutes concerning congressional redistricting and adopting a new temporary congressional map, and, in connection therewith, creating a temporary map to be used in 2028 and 2030 congressional elections that replaces the current congressional district map drawn by the independent congressional

redistricting commission and requiring the commission to draw congressional district maps in 2031 and every 10 years thereafter?

Record, p. 14. Petitioner Williams timely filed a Petition for Review of the actions of the Title Board with this Court.

SUMMARY OF THE ARGUMENT

The Proposed Initiative creates new temporary congressional district maps to be used in the 2028 and 2030 election cycles and then returns to the Independent Congressional Redistricting Commission (“Commission”) the authority to draw new district maps after the 2030 decennial census and thereafter. The Title Board properly exercised its broad discretion in setting title on the Proposed Initiative. The Proposed Initiative contains a single subject: creating new temporary congressional district maps to be used in 2028 and 2030 congressional elections.

Petitioner raises three single subject objections: (1) that the Proposed Initiative creates new temporary congressional districts that will adjust the lines for State Board of Education and the University of Colorado Regents districts resulting in some voters getting new representatives for whom they did not get to vote; (2) the Proposed Initiative adopts eight partisan maps; and (3) the Proposed Initiative grants authority for the independent redistricting commission to draw district lines in 2031 and every ten years thereafter. This argument fails because concerns about

the effects that Initiative #240 could have on other laws are not appropriate for review at this stage.

Petitioner's clear title objection fares no better. Petitioner objects to the title on the basis that it intends to alter Colorado congressional district lines to favor one party, that the new lines will also apply to the districts for the State Board of Education and the University of Colorado Board of Regents; and that there is no description of the maps. These concerns do not override the discretion of the Title Board to draft a brief title that captures the major features of the measure.

The Title Board is only obligated to fairly summarize the central points of a proposed measure and need not refer to every nuance and feature of the proposed measure. While a title must be fair, clear, accurate and complete, it is not required to set out every detail of an initiative.

Accordingly, there is no basis to set aside the Title, and the decision of the Title Board should be affirmed.

ARGUMENT

I. The Initiative Complies with the Single Subject Requirement.

A. Standard of Review and Preservation.

Article V, section 1(5.5) of the Colorado Constitution, and section 1-40-106.5(1)(a), C.R.S. state that a proposed initiative must be limited to “a single subject which shall be clearly expressed in its title.” “A proposed initiative violates this rule if its text relates to more than one subject, and has at least two distinct and separate purposes not dependent upon or connected with each other.” *In re Title, Ballot Title & Submission Clause for 2011-2012 #3*, 2012 CO 25, ¶ 9. When reviewing a challenge to the Title Board’s decision, this Court “employ[s] all legitimate presumptions in favor of the propriety of the Title Board’s action.” *In re Title, Ballot Title & Submission Clause for 2013-2014 #89*, 2014 CO 66, ¶ 8. The Court will “only overturn the Title Board’s finding that an initiative contains a single subject in a clear case.” *Id.*

The Court does “not address the merits of the proposed initiative” or “suggest how it might be applied if enacted.” *In re Title, Ballot Title & Submission Clause for 2019-2020 #3*, 2019 CO 57, ¶ 8. Nor can the Court “determine the initiative's efficacy, construction, or future application, as these are matters properly considered if and after the voters approve the initiative.” *In re Title, Ballot Title & Submission Clause for 2015-2016 #63*, 2016 CO 34, ¶ 7. Instead, the Court “must examine the initiative’s wording to determine whether it comports with the constitutional single-subject requirement.” *In re 2019-2020 #3*, 2019 CO

57, ¶ 8. To satisfy the single-subject requirement, the “subject matter of an initiative must be necessarily and properly connected rather than disconnected or incongruous.” *In re Title, Ballot Title & Submission Clause for 2013-2014* #76, 2014 CO 52, ¶ 8. “Implementing provisions that are directly tied to the initiative's central focus are not separate subjects”. *In re 2015-2016* # 63, 2016 CO 34, ¶ 10.

“[T]he single subject requirement should be construed liberally to avoid unduly restricting the initiative process.” *In re Title, Ballot Title & Submission Clause for 2007-2008* # 61, 184 P.3d 747, 750 (Colo. 2008).

Proponents do not contest the Petitioner’s preservation of the arguments enumerated above, though they defer to the Petitioner to specify the precise location(s) in the record where each issue they wish to address here was raised and addressed before the Title Board.

B. Initiative #240 Has a Single Subject.

Petitioners argue that Initiative #240 violates the single subject requirement because it (1) changes the district lines for seats on the State Board of Education and University of Colorado regents; (2) creates “8 hyper partisan maps;” and (3) “grant[s] authority for the independent redistricting commission to continue to engage in congressional redistricting in 2031 and every 10 years thereafter.” *See*

Petition, p. 4. Petitioner’s complaint is really that he does not like the merits of Initiative #240, and its effect on other laws that he may favor.

1. The Changes to District Lines for Seats on the University of Colorado Board of Regents and Seats on the Colorado State Board of Education Do Not Create a Separate Subject.

Changes to Colorado’s congressional district lines necessarily change the district lines for seats on the University of Colorado Board of Regents and seats on the Colorado State Board of Education, but these changes do not create a second subject. Instead, this is more properly characterized as the Proposed Initiative’s effect on other laws.

The University of Colorado Board of Regents consists of nine members serving staggered six-year terms, one elected from each of Colorado's eight congressional districts and one from the state at large. Colo. Const. art. IX, § 1; <https://regents.cu.edu> (last accessed on 4/15/26). Every two years, three members of the Board of Regents are elected. In 2020, for example, three new Regents were elected in District 2, District 6, and District 7, and those three Regents joined the Board of Regents in January 2021. <https://www.cu.edu/blog/government-relations/colorado-state-and-cu-regents-election-overview> (last accessed on 4/15/26).

Similarly, the State Board of Education consists of one member elected from each congressional district in the state to serve staggered six-year terms, and, if the total number of congressional districts of the state is an even number, one member elected from the state at large. C.R.S. § 23-20-102. In 2020, Colorado elected three of seven seats on the State Board of Education in Districts 1, 3, and 7. https://ballotpedia.org/Colorado_State_Board_of_Education_election,_2020 (last accessed on 4/15/26).

In 2021, Colorado approved new congressional district maps based on the 2020 decennial census data which went into effect beginning with the 2022 general election. <https://redistricting.colorado.gov/content/2021-final-maps> (last accessed on 4/15/26). These newly drawn congressional districts changed the lines starting in 2022 for seven of Colorado's congressional districts and added the new 8th congressional district. <https://www.denver7.com/news/politics/colorado-congressional-redistricting-commission-approves-map-to-send-to-state-supreme-court> (last accessed on 4/15/26). These new district lines necessarily changed the districts in 2022 for the three members of the Colorado Board of Regents and the three members of the Colorado State Board of Education who were elected in 2020. These described changes in district lines for existing members of the Colorado Board of Regents and the Colorado State Board of Education are a fairly

regular occurrence and, as a result, some voters may be moved from one district to another, and not able to vote for the Regent or member of the State Board of Education who represents their district for a number of years. This does not create a single subject violation with the Proposed Initiative.

Instead, this concern is more properly characterized as a concern about the effects of the measure on other laws. This Court has “never held that just because a proposal may have different effects it necessarily violates the single-subject requirement. Indeed, the effects this measure could have on Colorado law if adopted by voters are irrelevant to [the Court’s] review of whether the proposed initiative and its Titles contain a single subject.” *In re Title, Ballot Title and Submission Clause for 2013-2014 #90*, 2014 CO 63, P17 (internal citations omitted).

2. The Changes to District Lines for Congressional Districts Do Not Create a Separate Subject.

Petitioner alleges that creating new congressional district maps that he contends are “hyper partisan” is a separate subject. Yet, the single subject of the measure is congressional redistricting, and the creation of new district maps is part of that single subject. The crux of Petitioner’s argument is that the new maps in the Proposed Initiative is a bad policy choice. But this Court has been consistent in holding that when considering whether an initiative comports with the single

subject requirement, the Court does “not address the merits of the proposed initiative or predict how it may be applied if adopted by the electorate. Whether a proposed initiative is a "bad idea" is not the test of whether it meets the single subject requirement.” *In re 2013-2014 #90*, 2014 CO 63, ¶ 21 (internal citations omitted).

3. The Proposed Initiative’s Grant of Authority for the Independent Redistricting Commission to Continue to Engage in Congressional Redistricting in 2031 and Every Ten Years Thereafter Is Not a Separate Subject.

Petitioner finally contends that granting the authority for the Commission to engage in redistricting in 2031 and every ten years thereafter creates a separate subject. Petitioner overstates the breadth of the Proposed Initiative. The single subject of the Proposed Initiative is congressional redistricting, which includes new maps for 2028 and 2030 cycles and then a return to the Commission to draw district maps thereafter. This provision is merely an implementation feature of the Proposed Initiative and is not a separate subject. “An initiative with a single, distinct purpose does not violate the single-subject requirement simply because it spells out details relating to its implementation.” *In re Title, Ballot Title & Submission Clause for 1997-1998 #74*, 962 P.2d 927, 929 (Colo. 1998).

II. The Title Set by the Title Board Is Not Misleading.

A. Standard of review and preservation.

“The Title Board’s duty in setting a title is to summarize the central features of a proposed initiative.” *In re 2013-2014 #90*, 2014 CO 63, ¶ 24. The Title Board is “afforded discretion in resolving interrelated problems of length, complexity, and clarity in designating a title and ballot title and submission clause.” *In re Title, Ballot Title & Submission Clause for 2015-2016 #73*, 2016 CO 24, ¶ 23. The Title Board is required to summarize the central features of a proposed initiative fairly, but it “need not explain the meaning or potential effects of the proposed initiative on the current statutory scheme.” *Id.* Nor must a title recite every detail of the proposed measure. *In re Title, Ballot Title & Submission Clause for 2001-2002 #21 & #22*, 44 P.3d 213, 222 (Colo. 2002). The Court will reverse the title set by the Board “only if a title is insufficient, unfair, or misleading.” *In re 2013-2014 #90*, 2014 CO 63, ¶ 7. The Court does not “consider whether the Title Board set the best possible title.” *In re 2019-2020 #3*, 2019 CO 107, ¶ 17.

Respondents agree that Petitioner preserved his challenge to the title set by the Board.

B. The Title Properly Informs Voters of the Key Features of the Proposed Initiative.

Petitioners erroneously contend that the title is misleading because it fails to apprise voters (1) “of its stated purpose to gerrymander Colorado congressional district lines;” (2) “that the new lines will also be redrawn for the State Board of

Education and the University of Colorado Board of Regents;” (3) of a description of the maps; and (4) the effect of the new district lines on some voters whose representatives on the State Board of Education and the University of Colorado Board of Regents. *Petition*, p. 3, ¶ 2. The Title Board considered Petitioners’ concerns in this regard but rejected Petitioner’s request and denied his Motion for Rehearing in full. *Record*, pp. 15-16.

The Title Board exercised its discretion to craft a title that seeks to avoid “public confusion,” is “brief” and “unambiguously states the principle of the provision sought to be added, amended, or repealed.” §1-40-106(3)(b), C.R.S. This Court should defer to the Title Board’s discretion. *In re Title, Ballot Title, & Submission Clause for 1999-2000 #256*, 12 P.3d 246, 255 (Colo. 2000) (“In reviewing the actions of the Board, we grant great deference to the board’s broad discretion in the exercise of its drafting authority.”) “While titles must be fair, clear, accurate and complete, the Title Board is not required to set out every detail of an initiative.” *In re Title, Ballot Title, & Submission Clause for 2007-2008 #62*, 184 P.3d 52, 60 (Colo. 2008). The title for Initiative #240 satisfies this test.

CONCLUSION

The Proponents respectfully request the Court to uphold the actions of the Title Board regarding Proposed Initiative 2025-2026 #240.

Respectfully submitted this 22nd day of April, 2026.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **OPENING BRIEF OF RESPONDENTS TANYA NATHAN AND LINDSEY RASMUSSEN IN SUPPORT OF PROPOSED INITIATIVE 2025-2026 #240** was electronically served via e-mail or via the Colorado Courts E-Filing System on the 22nd day of April, 2026 to the following:

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