

<p>COLORADO SUPREME COURT 101 W. Colfax, # 800 Denver, Colorado 80202</p>	<p>DATE FILED April 21, 2026 11:03 AM</p> <p>COURT USE ONLY</p>
<p>Original Proceeding Pursuant to Colo. Rev. Stat. § 1-40-107(2) Appeal from the Ballot Title Board</p>	
<p>In the Matter of the Title, Ballot Title and Submission Clause for Proposed Initiative #245 – State and Local Initiatives and Referenda Petitioners: Marty Neilson and Frank Atwood v. Respondents: Title Board: Theresa Conley, Christy Chase, Kurt Morrison</p>	
<p>Attorney for Petitioners: Rebecca R. Sopkin, # 20998 2945 Parfet Drive Lakewood, CO 80215 (303) 232-4184 grsop@msn.com</p>	<p>Case No.: 2026SA000121</p>
<p>PETITIONERS' OPENING BRIEF</p>	

CERTIFICATE OF COMPLIANCE

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

Specifically, I certify that:

The brief complies with the word limits set forth in C.A.R. 28(g).

It contains 1046 words (principal brief does not exceed 9500 words; reply brief does not exceed 5700 words).

The brief complies with the standard of review requirements set forth in C.A.R. 28(a)(7)(A).

It contains under a separate heading a concise statement of the applicable standard of appellate review with citation to authority.

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.

/s/ Rebecca R. Sopkin

Rebecca R. Sopkin

TABLE OF CONTENTS

CERTIFICATE OF COMPLIANCE.....	i
TABLE OF CONTENTS.....	ii
TABLE OF AUTHORITIES	iii
STATEMENT OF THE ISSUE.....	1
STATEMENT OF THE CASE.....	1
STANDARD OF REVIEW	2
SUMMARY OF ARGUMENT	3
ARGUMENT	3
CONCLUSION	6

TABLE OF AUTHORITIES

Cases

<i>Colo. Project-Common Cause v. Anderson</i> , 495 P.2d 220 (1972).....	4
<i>In re Proposed Ballot Initiative on Parental Rights</i> , 913 P.2d 1127 (Colo. 1996)...	2
<i>In re Title, Ballot Title, and Submission Clause for 2007-2008 #17 (In re Dept. for Envtl. Conservation)</i> , 172 P.3d 871 (Colo. 2007)	3
<i>In re Title, Ballot Title, and Submission Clause for 2011-2012 #3</i> , 2012 CO 25, 274 P.3d 562	5
<i>In the Matter of the Title, Ballot Title and Submission Clause 2015-2016 # 132</i> , 374 P.3d 460 (Colo. 2016).....	2
<i>In the Matter of the Title, Ballot Title, and Submission Clause for Proposed Initiative 2025-2026 #158</i> , 2026 CO 13 (2026)	5
<i>Margolis v. Dist. Ct.</i> , 638 P.2d 297 (Colo. 1981).....	4

Constitutional Provisions

Colo. Const. Art. V, § 1(2).....	3
Colo. Const. Art. V, § 1(3).....	3

Other Authorities

Proposed Ballot Initiative #245 Sec.(1)(1)	4
Proposed Ballot Initiative #245 Sec.(1)(2)	5
Proposed Ballot Initiative #245 Sec.(2)	5
Proposed Ballot Initiative #245 Sec.(3)	5
Proposed Ballot Initiative #245 Sec.(4)	5

Petitioners Marty Neilson and Frank Atwood (hereinafter Proponents), through undersigned counsel, respectfully submit the following opening brief:

STATEMENT OF THE ISSUE

Proposed Ballot Initiative 2025-2026 #245 has only one subject: to simplify the current process for submitting a proposed ballot initiatives and referenda to the voters of Colorado.

STATEMENT OF THE CASE

A Title Board hearing was held on March 18, 2026, at which time the Title Board declined to set a title for Proposed Ballot Initiative 2025-2026 #245. On March 24, 2026, Proponents Marty Neilson and Frank Atwood filed a Motion for Rehearing for Proposed Ballot Initiative 2025-2026 #245, alleging that the Title Board had mistakenly found that the proposed initiative did not have a single subject. The rehearing was held on April 1, 2026, at which time the Title Board denied the Proponents' Motion for Rehearing.

Proponents are entitled to a review before the Colorado Supreme Court pursuant to C.R.S. § 1-40-107(2). Proponents timely filed the Motion for Rehearing with the Title Board. C.R.S. § 1-40-107(1). Additionally, Proponents timely filed a

Petition for Review within seven (7) days from the date of the hearing on the Motion for Rehearing. C.R.S. § 1-40-107(2). This Opening Brief is filed pursuant to the Court's Order of April 7, 2026.

STANDARD OF REVIEW

C.R.S. § 1-40-106.5(1)(a) requires that “every constitutional amendment or law proposed by initiative . . . be limited to a single subject, which shall be clearly expressed in its title.” C.R.S. § 1-40-106.5(1)(e)(II) further explains that this rule is intended to prohibit certain practices including “to prevent surreptitious measure and apprise the people of the subject of each measure by the title, that is, to prevent surprise and fraud from being practiced upon voters.”

The-single subject rule has been interpreted by the courts to mean that a proposed initiative must “effect or carry out only one general objective or purpose.” *In the Matter of the Title, Ballot Title and Submission Clause 2015-2016 # 132, 374* P.3d 460, 465 (Colo. 2016). It has since been stated that the single-subject rule is “not violated if the matters included are necessarily or properly connected to each other.” *In re Proposed Ballot Initiative on Parental Rights*, 913 P.2d 1127, 1131 (Colo. 1996). The court does not attempt to “determine an initiative's efficacy, construction, or future application.” *In re Title, Ballot Title, and Submission Clause*

for 2007-2008 #17 (In re Dept. for Env'tl. Conservation), 172 P.3d 871, 874 (Colo. 2007).

The issues discussed herein were preserved in the Proponents' Motion for Rehearing.

SUMMARY OF ARGUMENT

Proposed ballot initiative 2025-2026 #245 has only one subject: to simplify the current process for submitting a proposed ballot initiative to the voters of Colorado.

ARGUMENT

Proposed Ballot Initiative 2025-2026 #245 is entitled "Petition Rights." All of the sections of Proposed Ballot Initiative 2025-2026 #245 are necessarily and properly connected to its single subject of simplifying the ballot initiative and referendum process.

The Colorado Constitution places a high priority on both the citizen initiative and the citizen referendum. It states "[t]he first power hereby reserved by the people is the initiative," Colo. Const. Art. V, § 1(2), and "[t]he second power hereby reserved is the referendum." Colo. Const. Art. V, § 1(3). The importance of these

powers is explained by the fact that “all political power is vested in the people and derives from them.” *Colo. Project-Common Cause v. Anderson*, 495 P.2d 220, 221 (1972). The court has emphasized that “[o]ne of the unquestioned purposes of the referendum and initiative powers is to expeditiously permit the total and free exercise of legislative power by the people.” *Margolis v. Dist. Ct.*, 638 P.2d 297, 303 (Colo. 1981).

Over the years, layers of process and interpretation have accrued onto the initiative and referendum process. This proposed ballot initiative seeks to remove many of these impediments and reinstate a simplified process which no longer is only the purview of experts and lawyers, but can again be accessed by the citizens who reserved these rights to themselves in our state constitution.

This purpose necessitates the repeal of a number of complicating statutes and their replacement with a more streamlined procedure, all of which, however, are not only necessarily and properly connected, but also effectuate one general object and purpose.

The first section of “Procedures” states where such rights shall exist and who shall aid in their administration. It further lays out how they shall be reviewed and titled, including a procedure for protests. The forms to be used for petitions and who may carry and file the petitions are specified. Proposed Ballot Initiative #245 Sec.(1)(1). The second section specifies what is necessary for local initiatives and

what information the petition entries must include. It then gives a simplified procedure for counting them, including deadlines and protests. Proposed Ballot Initiative #245 Sec.(1)(2). The third section provides for the election date, with deadline, and notice and ballot contents. Proposed Ballot Initiative #245 Sec.(1)(3).

The next section addresses the titling of referenda and the procedure for addressing matters rejected through the referenda process. Proposed Ballot Initiative #245 Sec.(2). Then, as is standard process in legislation, there is a brief definition section. Proposed Ballot Initiative #245 Sec.(3). Finally, is the enforcement mechanism, which also lists all of the repealed statutory provisions. Proposed Ballot Initiative #245 Sec.(4).

All of these items address the manner in which the process should be simplified and they are all necessary and properly connected. In fact, in order to simplify the process all of these issues must be addressed. The court has recognized that an initiative may contain provisions “necessary to effectuate its general objective or purpose” and these will not be considered additional subjects. *In the Matter of the Title, Ballot Title, and Submission Clause for Proposed Initiative 2025-2026 #158*, 2026 CO 13, ¶ 18 (2026) (quoting *In re Title, Ballot Title, and Submission Clause for 2011-2012 #3*, 2012 CO 25, ¶ 9, 274 P.3d 562, 565).

In contrast with many statutes, the provisions of this proposed initiative are briefly and simply stated. There are no surreptitious issues concealed.

CONCLUSION

Proponents respectfully request that, after consideration of the parties' briefs, this Court determine that the Title Board mistakenly found that Proposed Ballot Initiative 2025-2026 #245 had more than one subject and resubmit the proposed initiative to the Title Board for title setting.

Respectfully submitted this 21st day of April, 2026.

/s/Rebecca R. Sopkin

Rebecca R. Sopkin
Attorney at Law, #20998
2945 Parfet Drive
Lakewood, CO 80215
303/232-4184
grsop@msn.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **PETITIONERS' OPENING BRIEF** was served via the Colorado Court's E-Filing System, on this 21st day of April, 2026 upon the following:

Emily Buckley
Office of the Attorney General
1300 Broadway, 6th Floor
Denver, CO 80203

Counsel for the Title Board

Rebecca R. Sopkin