SUPREME COURT, **STATE OF COLORADO** 2 East 14th Avenue Denver, Colorado 80203	DATE FILED May 6, 2026 9:07 PM
ORIGINAL PROCEEDING PURSUANT TO C.R.S. § 1-40-107(2), (2025-2026) Appeal from the Ballot Title Board	
Petitioner: Valerie Beck, **v.** **Respondents:** Suzanne Taheri and Elizabeth Caven, **and** **Title Board:** Michael Dohr, Teresa Conley, Kurt Morrison.	**COURT USE ONLY**
Attorney for Petitioner: Mario Nicolais, Reg. #38589 KBN Law, LLC 7830 W Alameda Ave., Suite 103-301 Lakewood, CO 80226 Tel: 720.773.1526 Mario@kbnlaw.com	Supreme Court Caste No: 2026SA125

PETITIONER BECK'S ANSWER BRIEF

CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with all requirements of C.A.R. 28 or C.A.R. 28.1, 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); it contains 2,108 words.

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

I acknowledge that this brief may be stricken if it fails to comply with any of the requirements of C.A.R. 28, 28.1 or 32.

/s/ Mario Nicolais
Mario Nicolais
Attorney for Petitioner

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases

Constitutional Provisions

Petitioner Valerie Beck ("Petitioner" or "Beck"), through undersigned counsel, respectfully *Petitioner Beck's Answer Brief* regarding the title, ballot title, and submission clause set by the Colorado Title Setting Board (the "Title Board") for Proposed Initiative 2025-2026 #251 ("Initiative #251").

STATEMENT OF THE ISSUES PRESENTED, STANDARD OF REVIEW, AND PRESERVATION OF ISSUE

Petitioner adopts and incorporates her statement of the issues presented, standard of review, and preservation of the issues stated in *Petitioner Beck's Opening Brief*.

INTRODUCTION

Both the Title Board and Respondents claim that Initiative #251 contains only one subject. Similarly, both argue that the title does not include a catch phrase. They are wrong. First, even by their own attempt to describe a single subject, both demonstrate that the initiative contains both (1) a subject creating a process to review mid-cycle congressional map modifications, and (2) a subject creating a new, anti-gerrymandering criteria for congressional maps. Second, the

analysis provided by both to the catch phrase "purposefully favor one party" is fatally flawed; if the Court engages in a full review it becomes apparent the title included an impermissible catch phrase.

ARGUMENT

A. Initiative #251 contains multiple subjects.

Both the Title Board and Respondents claim that Initiative #251 contains only one subject. They are wrong. The initiative continues multiple, distinct subjects. Initiative #251 both creates a new review process and introduces a new criteria scheme for congressional maps.

In general, the Title Board and Respondent's argue that the multiple subjects fall within the sweep of a broad, general subject. *The Title Board's Opening Brief*, p. 11-13; *Respondent's Opening Brief*, p. 6. However, both ignore the Court's recent guidance that it "does not matter if the initiative's purposes relate to the same general concept or subject, or if its provisions can be grouped under an overarching theme; an initiative that is susceptible to log-rolling or that risks misleading voters will not satisfy the single subject requirement." *In Re Title, Ballot Title, & Submission Clause for Proposed Initiative 2025-2026*

#158, 2026 CO 13, at ¶ 19. Initiative #251 presents both risks. Voters who may support review of mid-cycle modifications to maps may be willing to support the initiative despite reservations about changed criteria; similarly, voters who support a change in criteria that would bar maps "drawn purposefully to favor one political party" might support the initiative despite objecting to review of maps modified by a court or vote of the people. That is a classic example of log rolling "in hopes of attracting support from various factions with different or conflicting interests." *Id.*, at ¶ 16. Similarly, the new criteria risks misleading voters (discussed in more detail below).

Tellingly, both the Title Board and Respondents needed to employ the conjunctive "and" in their attempts to describe the subject of Initiative #251. For example, the Title Board described the subject as one that "sets the process ***and*** criteria" for review. *The Title Board's Opening Brief*, p. 13 (emphasis added). Even more revealing, Respondents state the Initiative #251 has a "single purpose of establishing a process for mid-cycle congressional redistricting that allows for public input ***and*** protects against gerrymandering." *Respondent's Opening Brief*, p. 6 (emphasis added). By Respondents'

own admission, there are two separate goals of this initiative: (1) to establish a review process for mid-cycle congressional redistricting, **and** (2) to protect against gerrymandering. It would not be necessary to include the "and" if the second subject changing criteria was not included. In fact, adding the anti-gerrymandering criteria is not necessary to creating a review process – the Colorado Constitution contains existing criteria for congressional maps in Article V § 44.3. Without the additional anti-gerrymandering subject, the initiative would just create a review process for modified maps; the single remaining subject would be fairly described by placing a period before the conjunction in both the Title Board and Respondents' descriptions and eliminating everything that follows.

B. The phrase "purposefully favor one political party" constitutes a catch phrase.

While Beck concedes that denial of a title due to use of a catch phrase is rare, this case provides the exception to prove the rule. Despite changing the language upon Beck's motion for rehearing, the Title Board nevertheless incorporated the core phrase "purposefully

favor one political party"[1] into the final title. Regardless of whether it appears in Initiative #251 itself, it is nonetheless a catch phrase that violates constitutional dictates.

Both the Title Board and Respondents rely on the discretion owed to Title Board and argue that "purposefully favor one political party" is merely descriptive because the term appears in the initiative itself. *The Title Board's Opening Brief*, p. 16-18; *Respondent's Opening Brief*, p. 8-9. However, that neither analysis is complete. While they are correct that the Court accords "all legitimate presumptions in favor of the propriety of the Board's actions" it is also true that "deference here is not absolute; we have an obligation to 'examine the initiative's wording to determine whether it comports with the constitutional requirements.'" *In the Matter of Titles, Ballot Titles, and Submission Clauses for Proposed Initiatives 2021-2022 #67, #115, and #128*, 2022 CO 37, ¶ 9 (internal quotations omitted), quoting *In re Title, Ballot Title*

[1] As noted in *Petitioner Beck's Opening Brief*, the language in Initiative #251 itself uses the phrase "drawn purposefully to favor one political party" while the revised title language states "does not purposefully favor one political party." Consequently, the recurrent throughline is "purposefully favor one political party."

& Submission Clause for 2019-2020 #315, 2020 CO 61, ¶8. Consequently, the Court must examine the phrase itself.

The Title Board first takes issue with how the phrase rolls "off the tongue" and whether it is a "catchy jingle." *The Title Board's Opening Brief*, at 16. Beck disagrees that the alliterative "purposefully favor one political party" does not roll off the tongue. More importantly, the Title Boad relies almost entirely on the fact that the phrase appears in the ballot measure itself as though that fact alone exempted the phrase from scrutiny. That analysis is in error.

Instead, the Court should engage in a more robust review of the phrase, its place in the initiative, and how it may influence voters. For example, in *In Re Ballot Title 1999-2000 No. 258(A)*, 4 P.3d 1094 (Colo. 2000), the Court analyzed the words "as rapidly and effectively as possible" to determine whether they constituted a catch phrase or slogan despite appearing in the actual initiative. The Court found that the "words operate as both a catch phrase and a slogan" and that though "the initiative contains this language, the Title Board is not free to include this wording in the titles if, as here, it constitutes a catch phrase." *Id.*, at 1100. The Court applied a similar analysis when it

reviewed the phrase "just cause" used in both the title and the initiative itself in *In the Matter of the Title, Ballot Title, and Submission Clause for 2007-2008 #62*, 184 P.3d 52, 61 (Colo.2008). Again, the Court did not end its analysis solely because the initiative itself included the phrase. The Court highlighted that "just cause" did not just appear in the initiative but was defined within it. Furthermoe, the Court noted that the term also "sets forth a legal standard commonly used in the law." *Id.*

Those two cases are instructive in the instant case. Unlike "just cause" which was defined in the initiative, Initiative #251 does not define any part of the catch phrase "purposefully favor one political party." Not only does this stand in contrast to "just cause," but it also stands in stark contrast to the criteria the catch phrase appears alongside in Initiative #251 (Colo. Const. art. V § 44.3(2)(a) provides examples of "whole communities of interest" while Colo. Const. art. V § 44.3(3) defines "competitive" as used in the phrase "politically competitive districts"). Furthermore, "purposefully favor one political party" does not constitute a commonly used legal standard.

In both regards, "purposefully favor one political party" is closer to the words "as rapidly and effectively as possible" which the Court held to constitute both a catch phrase and slogan. In the same way the later would "mask the policy question regarding whether the most rapid and effective way to teach English to non-English speaking children is through an English immersion program," *In Re Ballot Title 1999-2000 No. 258(A)*, 4 P.3d at 1100, the words "purposefully favor one political party" mask the policy question about the proper criteria for reviewing congressional maps.

In contrast to the Title Board, the Respondents admit that redistricting is at the center of a national debate. However, Respondents then attempt to simply state that the phrase is descriptive of a policy choice for voters rather than an appeal to emotion that could impede voter understanding. *Respondent's Opening Brief*, p. 8-9. However, despite that assertion – and the lack of a definition in the initiative – Respondents do not attempt to explain what "purposefully favor one political party" means in terms of initiative. The simple answer is that doing so would prove Beck's point. As explained in *Petitioner Beck's Opening Brief*, the issue is not whether the Court

should interpret the phrase now – it should not – but whether the phrase as it exists in the title will lead to confusion and cause voter to cast their ballot based on emotion. Just as the catch phrase "as rapidly and effectively as possible" used subjective language that did not lead to voter understanding, so does "purposefully drawn to favor one political party." Voters simply have no way to know what that means in relation to the initiative; consequently, they will cast ballots based on they emotional draw of the catch phrase.

CONCLUSION

For those reasons, the Court should reject the arguments of the Title Board and Respondents. As such, this Court should reverse the decision of the Title Board, find that it did not have jurisdiction to set title, and strike the title that has been set.

Respectfully submitted this 6th day of May 2026.

KBN LAW, LLC

s/ Mario Nicolais
Mario Nicolais
Attorney for Petitioner Valerie Beck

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of May 2026, a true and correct copy of the foregoing *Petitioner Beck's Answer Brief* was filed and served upon the following via the Court's e-filing system:

Emily Buckley
Office of the Attorney General
1300 Broadway, 6th Floor
Denver, CO 80203
Emily.Buckley@coag.gov
Counsel for Title Board

Suzanne Taheri
West Group
6501 E. Belleview Ave
Suite 375
Denver, CO 80111
ST@westglp.com
Counsel for Designated Proponents

Martha Tierney
Tierney Lawrence Stiles LLC
225 East 16th Avenue
Suite 350 Denver, CO 80203
mtierney@TLS.legal
Counsel for Petitioner Lindsey Rasmussen

KBN Law, LLC

/s/ Mario Nicolais
Mario Nicolais