

SUPREME COURT, STATE OF COLORADO
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Denver, Colorado 80203

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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 #251

Petitioners: VALERIE BECK, and LINDSEY
RASMUSSEN

v.

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

And

Respondents: SUZANNE TAHERI AND
ELIZABETH CAVEN

▲ COURT USE ONLY ▲

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Case No.: 2026SA125

**PETITIONER LINDSEY RASMUSSEN'S ANSWER BRIEF IN
OPPOSITION TO PROPOSED INITIATIVE 2025-2026 # 251**

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 1,113 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

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Lindsey Rasmussen (“Petitioner”), registered elector of the State of Colorado, through her undersigned counsel, respectfully submits this Answer Brief in opposition to Proposed Initiative 2025-2026 #251 (“Proposed Initiative”).

SUMMARY OF THE ARGUMENT

The Title Board erred in finding the Proposed Initiative contains a single subject. The Proposed Initiative contains two separate subjects by prohibiting mid-cycle modifications of congressional district maps unless they meet certain limited criteria and eliminating the contiguity requirement for approving a district map outside the redistricting year. Absent the contiguity requirement, voters will be surprised that the Proposed Initiative allows geographic areas from far reaches of the state to be cobbled together in one congressional district.

The title set by the Title Board is misleading because it fails to notify voters of the change in status quo by eliminating the contiguity criteria, and by not alerting voters to the changes in public participation at public meetings, and changes to the geographic location requirements for public meetings.

ARGUMENT

I. The Title Board Improperly Found the Initiative Contains a Single Subject.

Initiative #251 impermissibly contains multiple subjects. The Title Board contends that because the Proposed Initiative governs a new process for mid-cycle

Redistricting, its omission of the contiguity requirement “has no import.” *Title Board Op. Brf.*, p. 14. Proponents Suzanne Taheri and Elizabeth Caven do not address the substantive contiguity argument in their opening brief. The omission of contiguity as a redistricting criteria, however, is a radical change to the status quo that is coiled up in the folds of the Proposed Initiative and will surprise voters with its surreptitious provision.

Voters will be surprised to learn that contiguity, a criteria that is met if it is possible to travel between any two points in a district without crossing into a different district, is not required for mid-cycle congressional district maps. As a result, mid-cycle redistricting maps can include districts made up of a patchwork of voters from distant areas of the state, who are not connected geographically and instead divided by other districts.

The potential for voter surprise is significant, and in this case, constitutes a separate subject. *See In re Title, Ballot Title & Submission Clause for 2013-2014 #89*, 2014 CO 66, ¶ 19 (“Th[e] danger [of surprise] exists where an initiative, although claiming to have a single subject, in reality has multiple purposes, and as a result, voters would not expect that passing the initiative would lead to one or more of the initiative's outcomes.”). *In re Title, Ballot Title & Submission Clause for 2021-2022 #1*, 2021 CO 55, ¶ 41.

In reviewing the Title Board’s single subject determination, the Court must determine “whether the contested language within the initiative creates a distinct and separate subject which is not connected to or dependent upon the remaining aspects of the initiative.” *In re Title, Ballot Title & Submission Clause for 2013-2014* #76, 2014 CO 52, ¶ 8. To satisfy the single-subject requirement, the “subject matter of an initiative must be necessarily and properly connected rather than disconnected or incongruous.” *Id.*

Elimination of the contiguity requirement for all congressional district maps approved outside the restricting year is coiled up in the folds of Initiative #251 runs. The Proposed Initiative runs the risk of surprising voters with a surreptitious, significant change to congressional districts in Colorado. This proposed change is an impermissible second subject "coiled up in the folds" of its proposal. *Mantell v. Fields*, 2026 CO 13, ¶ 27, (internal citations omitted). Initiative #251 contains multiple subjects in violation of the single subject requirement.

II. The Title for the Proposed Initiative Is Misleading.

The title of the Proposed Initiative is misleading and does not correctly and fairly express the initiative’s true intent and meaning. C.R.S. 1-40-106(3)(b). The Title Board suggests that it need not include information in the title that the measure does not require contiguous congressional districts because this provision

“simply reflects the policy decisions informing the Initiative.” *Title Board Op. Brf.*, pp. 19-20. Yet, because the elimination of the contiguity requirement is such a departure from existing law, voters need to know about this feature of the Proposed Initiative. The General Assembly has set forth a clear-title standard in section 1-40-106(3)(b), C.R.S., requiring the Title Board to "consider the public confusion that might be caused by misleading titles" and to "avoid titles for which the general understanding of the effect of a 'yes' or 'no' vote will be unclear." *In re Title, Ballot Title and Submission Clause for 2009-2010 # 45*, 234 P.3d 642, 648 (Colo. 2010). Titles and submission clauses should "enable the electorate, whether familiar or unfamiliar with the subject matter of a particular proposal, to determine intelligently whether to support or oppose such a proposal." *In re Title, Ballot Title & Submission Clause for Proposed Initiative on Parental Notification of Abortions for Minors*, 794 P.2d 238, 242 (Colo. 1990). The purpose of reviewing an initiative title for clarity parallels that of the single-subject requirement: voter protection through reasonably ascertainable expression of the initiative's purpose. *See id.*

The Title for Initiative #251 further fails to alert voters that outside the redistricting year, Colorado residents have no right to present proposed maps, written comments, or testimony at public meetings, and the Commission has no

obligation to hold hearings in each congressional district. These may be policy choices, but they are substantial changes to how the Commission operates in the regular post-decennial census redistricting process, and voters should be alerted to these substantial changes to the process to enable them to make an informed decision about whether to support or oppose the measure. *See id.*

Here, the title for Initiative #251 “does not contain sufficient information to enable voters to determine intelligently whether to support or oppose the initiative.” *In re 2015-2016 #73*, 2016 CO 24, ¶ 34; *see also In re Titles, Ballot Titles & Submission Clauses for 2001-2002 #21 & #22*, 44 P.3d 213, 222 (Colo. 2002) (“The titles, standing alone, should be capable of being read and understood, and capable of informing the voter of the major import of the proposal, but need not include every detail. They must allow the voter to understand the effect of a yes or no vote on the measure. When they do not, both the title board and this court fail in our respective functions.”). The title for Initiative #251 does not enable voters to make an informed choice because it does not correctly and fairly express the measure’s true intent and meaning.

CONCLUSION

The Petitioner respectfully requests the Court to reverse the actions of the Title Board regarding Proposed Initiative 2025-2026 #251 because the measure contains multiple subjects and the title as drafted by the Title Board is misleading.

Respectfully submitted this 6th day of May, 2026.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PETITIONER RASMUSSEN'S ANSWER BRIEF IN OPPOSITION TO PROPOSED INITIATIVE 2025-2026 # 251** was electronically served via e-mail or via the Colorado Courts E-Filing System on the 6th day of May, 2026 to the following:

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