

SUPREME COURT OF COLORADO  
2 East 14th Avenue  
Denver, Colorado 80203

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Petition for Review Pursuant to Colo. Rev. Stat.  
§1-40-107(2)  
Appeal from the Ballot Title Setting Board

In the Matter of the Title, Ballot Title, and  
Submission Clause for Proposed Initiative  
2025-2026 #251

**Petitioners:** LINDSEY RASMUSSEN and  
VALERIE BECK

v.

**Respondents:** ELIZABETH CAVEN and  
SUZANNE TAHERI, Proponents

and

**Ballot Title Board:** MICHAEL DOHR,  
THERESA CONLEY, and KURT  
MORRISON

▲ COURT USE ONLY ▲

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Case Number: 25SA125

**RESPONDENTS' ANSWER BRIEF**

## CERTIFICATE OF COMPLIANCE

I hereby certify that this 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, the undersigned certifies that:

The brief complies with C.A.R. 28(g).

Choose one:

It contains 1,442 words.

It does not exceed 30 pages.

The brief complies with C.A.R. 28(k):

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/ Suzanne Taheri  
Suzanne Taheri  
*Attorney for the Petitioner*

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Elizabeth Caven and Suzanne Taheri (“Respondents/Proponents”) hereby respectfully submit this Answer Brief in support of the Title Board’s decision for Proposed Initiative 2025-2026 #251 (the “Initiative” or “Measure”).

### **ARGUMENT**

Petitioners argue that the measure’s single subject of mid-cycle redistricting is not necessarily or properly connected to the mid-cycle criteria and process established in the measure. *Petitioner Rasmussen’s Opening Brief*, pp. 4-9; *Petitioner Beck’s Opening Brief*, pp. 4-9. Essentially, they assert that the mid-cycle criteria and process is not permitted to stray from the current criteria and process that is in place for the redistricting year. For this precedent Petitioners cite *Mantell v. Fields (In re Title, Ballot Title, & Submission Clause for Proposed Initiative 2025-2026 #158)*, 585 P.3d 232, 238 (Colo. 2026).

In *Mantel*, the Court ruled that a measure to require a vote on fees, similar to a vote on taxes in Article X, § 20 of the Colorado Constitution (“TABOR”), did not contain a single subject because the definition of “fees” was not limited to TABOR. Instead, the definition was applied throughout the Colorado statutes. The Court also found the proponents did not show a connection between the definition, altered from current law, with the measure’s central purpose of voting on fees.

The measure at hand is distinguished because it establishes a criteria and process only for mid-cycle redistricting, the single subject of the measure. It is further distinguished because there are no previously established process or criteria for mid-cycle redistricting. In other words, the criteria are not replacing anything already in law.

Petitioner's argument that mid-cycle redistricting must follow the current process is logistically impractical and legally impossible. In a regular redistricting year, the commission begins by considering a plan created by nonpartisan staff. *Colo. Const. art. V § 44.3*. The commission is convened no later than March 15 of the redistricting year. *Colo. Const. art. V § 44.2*. By July 7 they must have finished at least eight public hearings, one in each congressional district, and no later than September 1, they must adopt a "final plan". *Colo. Const. art. V § 44.4*.

A mid-cycle redistricting cannot by its nature comply with the deadlines established for the redistricting year. Mid-cycle redistricting will happen only in an exceptional circumstance and need not take six months. The mid-cycle process created by the measure is limited to the mid-cycle and does not change any process for the regular redistricting year. Under Petitioners' argument, taken to its logical conclusion, there could never be a mid-cycle redistricting because there would necessarily have to be some modification of the process.

Here, Petitioners appear to only have complaints about the policy choices made by Proponents. But the policy choices for the mid-cycle process are left to the Proponents.

To satisfy single-subject, the subject matter must only be, “necessarily and properly connected rather than disconnected or incongruous.” *Hayes v. Spalding (In re Title, Ballot Title, & Submission Clause for 2013-2014 #76)*, 333 P.3d 76, 79 (Colo. 2014). "An initiative proposing a comprehensive framework contains a single subject if all of its provisions relate directly to its single subject." *Howes v. Brown*, 235 P.3d 1071, 1076 (Colo. 2010).

It is no surprise Petitioner Rasmussen disagrees with the policy choice as Petitioner is also a proponent of a contrary measure currently before the Court. Initiative 2025-2026 #240 seeks to repeal the current maps and adopt new maps in a mid-cycle redistricting. These maps would be adopted with no Commission approval and do not meet current redistricting criteria. *See Sup.Ct. Case No 2026SA126*. Petitioner Rasmussen’s initiative #240, while not sharing the same policy goal, shares the same structure as Proponent’s #251. Both replace the current redistricting process and criteria.

Initiative #240 replaces the process through a vote of the people, there are no public meetings, no public testimony, the public cannot present alternative maps

and the deadlines differ from the redistricting year. The criteria also differ substantially from the redistricting year.<sup>1</sup>

Contrary to petitioners' arguments, voters deciding on the instant matter will not be surprised by any issues coiled up in the folds. The measure itself is not

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<sup>1</sup> (1.5)(a) IN RESPONSE TO THE MID-DECADE CONGRESSIONAL REDISTRICTING THREATENED OR UNDERTAKEN IN TEXAS, FLORIDA, OHIO, INDIANA, MISSOURI, NEW HAMPSHIRE, NEBRASKA, NORTH CAROLINA, AND OTHER STATES IN 2025 AND 2026, AND NOTWITHSTANDING ANY OTHER PROVISION OF EXISTING LAW, THE SINGLE-MEMBER DISTRICTS FOR CONGRESS SET FORTH IN SECTION 2-1-101.7, COLORADO REVISED STATUTES, SHALL TEMPORARILY BE USED FOR EVERY COLORADO CONGRESSIONAL ELECTION FOR A TERM OF OFFICE COMMENCING ON OR AFTER THE DATE THIS MEASURE IS ADOPTED BY THE VOTERS OF COLORADO, AND BEFORE THE CERTIFICATION OF NEW CONGRESSIONAL BOUNDARY LINES DRAWN BY THE CONGRESSIONAL REDISTRICTING COMMISSION AFTER THE 2030 DECENNIAL CENSUS PURSUANT TO SUBSECTION (1.5)(c) OF THIS SECTION. THE TEMPORARY DISTRICTS SHALL BE CONTIGUOUS, COMPLY WITH THE "VOTING RIGHTS ACT OF 1965", 52 U.S.C. SEC. 10301, AS AMENDED, AND COMPLY WITH THE FEDERAL ONE-PERSON, ONE-VOTE REQUIREMENTS.

(b) THE COLORADO SUPREME COURT SHALL REVIEW THE SINGLE-MEMBER DISTRICTS FOR CONGRESS SET FORTH IN SECTION 2-1-101.7, COLORADO REVISED STATUTES, AND DETERMINE WHETHER THE DISTRICTS SUBSTANTIALLY COMPLY WITH THE CRITERIA SET FORTH IN SUBSECTION (1.5)(a) OF THIS SECTION. THE COLORADO SUPREME COURT HAS ORIGINAL AND EXCLUSIVE JURISDICTION IN ALL PROCEEDINGS IN WHICH A CONGRESSIONAL DISTRICT MAP ADOPTED PURSUANT TO THIS SECTION IS CHALLENGED. THE COURT'S REVIEW AND DETERMINATION SHALL TAKE PRECEDENCE OVER OTHER MATTERS BEFORE THE COURT. THE COURT SHALL APPROVE THE CONGRESSIONAL DISTRICTS UNLESS IT FINDS THAT THE DISTRICTS DO NOT SUBSTANTIALLY COMPLY WITH THE CRITERIA SET FORTH IN SUBSECTION (1.5)(a) OF THIS SECTION.

<https://www.sos.state.co.us/pubs/elections/Initiatives/titleBoard/filings/2025-2026/240Final.pdf>

complicated, and voters are advised up front in the question that this relates to mid-cycle redistricting. The criteria are set forth in the title. Electors, whether familiar with the measure or not, will understand who must approve the plan, the process for approval and the criteria.

In arguing for a clear title violation Petitioner Rasmussen asks the Court to return the measure to the Title Board to include unnecessary details in the title : 1) the commission hearings *do not* have to be in each congressional district; 2) the commission *does not* have to allow Colorado residents to present maps or testimony; and 3) there is *no* contiguity requirement. (emphasis added) *Petitioner Rasmussen Opening Brief, p.11-12*. But these are not things the measure does, they are things the measure does not do.

The Court examines a title to determine if it is fair, clear, accurate, and complete. *Kemper v. Hamilton (In re Title, Ballot Title, & Submission Clause for 2011-2012 #3)*, 274 P.3d 562, 565 (Colo. 2012). But does not consider the merits of an initiative or review its efficacy, construction, or future application. *Robinson v. Dierking (In re Title, Ballot Title & Submission Clause for 2015-2016 #156)*, 413 P.3d 151, 155-56 (Colo. 2016). The fact that the Titles do not discuss all the potential impacts of the initiative is not improper, as the Title Board may not speculate on the potential effects of the initiative if enacted. *In re Proposed*

*Initiated Constitutional Amendment Concerning the Fair Treatment of Injured Workers Amendment*, 873 P.2d 718, 720-21 (Colo. 1994).

The details requested by Petitioners do not belong in the title because they are not central to the measure. The measure is not changing status quo for the redistricting year process, and it would be misleading and confusing to mix the two in a title.

Petitioner Beck argues that the title language “does not purposefully favor one political party” is a catch phrase. *Petitioner Beck Opening Brief*, pp.9-13. “Catch phrases” are words that work to a proposal’s favor without contributing to overall voter understanding. *Garcia v. Chavez (In re Title, Ballot Title & Submission Clause)*, 4 P.3d 1094, 1100 (Colo. 2000). Here, that is the criteria used in the initiative. It certainly contributes to the overall voter understanding.

Petitioner Beck suggests that term favor implies some sort of legal discriminatory intent. But the Court does not employ legal technical terms in evaluative a title. Rather, the Court evaluates whether the titles include an impermissible catch phrase by considering the contemporary political debate. *Garcia v. Chavez (In re Title, Ballot Title & Submission Clause)*, 4 P.3d 1094, 1100 (Colo. 2000).

In contemporary debate, some voters have shown they support drawing mid-cycle redistricting maps to support one party over another. Some voters do not. That is the simple policy issue in front of the electorate in this question. The title does not suggest an answer to this debate.

### **CONCLUSION**

Proposed Initiative #251 is a single subject and the title set by the Board adequately and fairly describes the central purpose of the initiative. Proponents ask this Court to uphold the Title Board's actions regarding the initiative.

Respectfully submitted this 6<sup>th</sup> day of May, 2026.

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## CERTIFICATE OF SERVICE

I hereby certify that on this 6<sup>th</sup> day of May, 2026, a true and correct copy of the **RESPONDENTS' ANSWER BRIEF** was served via the Colorado Court's E-Filing System to the following:

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