

**SUPREME COURT, STATE OF COLORADO**  
**2 East 14<sup>th</sup> Avenue**  
**Denver, Colorado 80203**

DATE FILED  
May 6, 2026 5:08 PM

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

▲ COURT USE ONLY ▲

*Attorneys for Petitioner*  
Martha M. Tierney, No. 27521  
Tierney Lawrence Stiles LLC  
225 E.16<sup>th</sup> Ave, Suite 350  
Denver, CO 80203  
Phone: (303) 356-4870  
E-mail: [mtierney@tls.legal](mailto:mtierney@tls.legal)

Case No.: 2026SA126

**ANSWER 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 1,545 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**

**SUMMARY OF ARGUMENT .....1**

**ARGUMENT.....3**

    I.    The Title Board Correctly Conclude the Initiative Has a Single  
Subject .....3

        A. The Judicial Review Component of the Proposed Initiative  
Is Not a Separate Subject.....3

        B. The Commission’s Authority to Engage in Redistricting After 2031  
Is Not a Separate Subject.....4

        C. Changes to District Lines for Colorado Board of Regents and  
Colorado State Board of Education Do Not Violate the Single Subject  
Requirement.....4

    II.   The Title Board Set a Clear Title .....5

**CONCLUSION.....8**

**TABLE OF AUTHORITIES**

Page(s)

**CASES**

*People v. Carter*,  
527 P.2d 875 (Colo. 1974).....3

*In re Title, Ballot Title & Submission Clause for 2015-2016 #63*,  
2016 CO 34.....4

*In re Title, Ballot Title & Submission Clause for 2007-2008 #61*,  
184 P.3d 747 (Colo. 2008).....4

*In re Title, Ballot Title & Submission Clause for 2013-2014 #90*  
2014 CO 63 .....5, 7

*In re Title, Ballot Title & Submission Clause for 2015-2016 #132*  
2016 CO 55 .....5

*See, e.g., In re Title, Ballot Title & Submission Clause, & Summary for 1999-2000*  
*#235(a)*, 3 P.3d 1219 (Colo. 2000).....6

**STATUTES**

§ 1-40-106(3)(b), C.R.S. ....7

§ 23-20-102, C.R.S. ....5

**CONSTITUTIONS**

Colo. Const. art. IX, § 1 .....5

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 Answer Brief as follows:

### **SUMMARY OF THE ARGUMENT**

The Title Board properly found that the Proposed Initiative has a single subject. The measure 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 a new judicial review process for congressional district maps; (2) 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; and (3) the Proposed Initiative grants authority for the

independent redistricting commission to draw district lines in 2031 and every ten years thereafter. Each of these arguments fail because concerns about the effects that Initiative #240 could have on other laws are not appropriate for review at this stage.

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 Title Board Correctly Concluded the Initiative Has a Single Subject.**

The Title Board properly concluded that the Proposed Initiative has a single subject. Petitioner Williams asserts three single subject arguments, contending the Proposed Initiative: (1) “changes the review process under current law for the adoption of congressional district maps;” (2) “grants authority for the independent redistricting commission to continue to engage in congressional redistricting in 2031 and every 10 years thereafter;” and (3) “disenfranchises ... voters, many of whom will never be allowed to vote for the State Board of Education and/or Regent who will ‘represent’ them.” *Petitioner Williams’ Opening Brf*, pp. 5-6.

### **A. The Judicial Review Component of the Proposed Initiative Is Not a Separate Subject.**

First, Proponents had to alter the judicial review component of the maps to remove the original jurisdiction in this Court and start the process in the district court because a statute cannot expand the original jurisdiction of this Court. *See People v. Carter*, 527 P.2d 875, 877 (Colo. 1974). The Proposed Initiative includes an appellate process to achieve higher court review. This change in the judicial review process does not create a second subject, but rather is a necessary implementing provision of the measure. “Implementing provisions that are

directly tied to the initiative's central focus are not separate subjects”. *In Title, Ballot Title & Submission Clause for 2015-2016 # 63*, 2016 CO 34, ¶ 10.

**B. The Commission’s Authority to Engage in Redistricting After 2031 Is Not a Separate Subject.**

Second, authority for the Commission to continue to engage in congressional redistricting in 2031 and every 10 years thereafter is not a second subject. The Commission already exists, and its mandate to draw congressional district maps after each decennial census does not change. This provision merely affirms that once the temporary mid-cycle redistricting for 2028 and 2030 has concluded, it is the Commission that will engage in congressional redistricting thereafter. This merely restates current law and does not create a new subject. “[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).

**C. Changes to District Lines for Colorado Board of Regents and Colorado State Board of Education Do Not Violate the Single Subject Requirement.**

Third, congressional district lines change and when they do, some Colorado residents will be represented under the new maps by members on the University of Colorado Board of Regents and on the Colorado State Board of Education whom they never had the chance to elect. This does not create a single subject violation.

Instead, this situation happens after every time congressional district maps are changed and is merely a function of the initial legislative decision to align these Board seats with congressional districts. *See* Colo. Const. art. IX, § 1, C.R.S. § 23-20-102. The redistricting process created in the Proposed Initiative will have the same effect that the existing redistricting process has on changes to districts for the Colorado Board of Regents and the Colorado State Board of Education. Any effect the Proposed Initiative would have on other Colorado laws does not constitute a separate subject. *In re Title, Ballot Title and Submission Clause for 2013-2014 #90*, 2014 CO 63, ¶19. The single subject requirement “is intended to ensure that each proposal depends upon its own merits for passage,” and to “prevent surprise and fraud from being practiced upon the voters.” *In re Title, Ballot Title & Submission Clause for 2015-2016 #132*, 2016 CO 55, ¶¶ 13, 14 (quotations and citations omitted). The Proposed Initiative contains a single subject.

## **II. The Title Board Set a Clear Title.**

Petitioner Williams contends that the title for the Proposed Initiative is misleading in four ways: (1) the title does not alert voters that the new maps were drawn for “partisan purposes;” (2) the title does not distinguish the measure from other redistricting measures being proposed; (3) the title does not apprise voters

that the new boundaries for Colorado’s congressional districts will change the boundaries for members elected to the State Board of Education and the University of Colorado Board of Regents; and (4) the title fails to inform voters that the changes to congressional districts will mean that voters will be represented by members on the State Board of Education and the University of Colorado Board of Regents whom they never had the chance to elect. These arguments fail.

First, the Title Board correctly determined that it would be impossible to describe the maps in detail or to reflect any partisan purpose. The measure contains twenty-nine pages of tract descriptions in each county, specifying which tract goes into which district. This level of detail is not appropriate for a ballot title. *See, e.g., In re Title, Ballot Title & Submission Clause, & Summary for 1999-2000 #235(a)*, 3 P.3d 1219, 1225 (Colo. 2000) (“The task of the Title Board is to provide a concise summary of a proposed initiative, focusing on the most critical aspects of the proposal, not simply to restate all of the provisions of the proposed initiative.”). The Proposed Initiative also contains a pictorial map of the proposed districts that will serve as a helpful reference point for petitions signers and voters. *See Record, p. 50.*

Second, Petitioner Williams presents no facts or authority to back up his new argument that the title for the Proposed Initiative is not distinguishable from other

redistricting measures before the Title Board this cycle. The Title Board is careful to This argument should be rejected.

Third and Fourth, Petitioner Williams suggests that the title is misleading because it does not explain that mid-cycle redistricting will by default also change the districts for the members on the State Board of Education and the University of Colorado Board of Regents, and that these changes will mean that some voters will be represented by members on the State Board of Education and the University of Colorado Board of Regents whom they never had the chance to elect. This result, however, is merely an effect of the measure and a result of the existing process for electing members to the State Board of Education and the University of Colorado Board of Regents. But this is not a central point of the Proposed Initiative. “In setting a title, the Title Board is only obligated to fairly summarize the central points of a proposed measure, and need not refer to every effect that the measure may have on the current statutory scheme.” *See In re 2013-2014 #90*, ¶ 36.

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.

## CONCLUSION

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

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

/s/ Martha M. Tierney  
Martha M. Tierney, No. 27521  
TIERNEY LAWRENCE STILES LLC  
225 E. 16<sup>th</sup> Avenue, Suite 350  
Denver, CO 80203  
(303) 356-4870  
[mtierney@tls.legal](mailto:mtierney@tls.legal)

*Attorneys for Respondents Tanya Nathan  
and Lindsey Rasmussen*

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **ANSWER 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 6<sup>th</sup> day of May, 2026 to the following:

Wayne Williams  
3472 Research Parkway, Suite 104  
Colorado Springs, CO 80920  
[waynewilliamslaw@comcast.net](mailto:waynewilliamslaw@comcast.net)  
*Petitioner*

Peter Baumann  
Senior Assistant Attorney General  
Public Officials Unit, State Services  
Colorado Attorney General's Office  
1300 Broadway, 6<sup>th</sup> Floor  
Denver, CO 80238  
[Peter.baumann@coag.gov](mailto:Peter.baumann@coag.gov)  
*Counsel for the Colorado Title Setting Board*

*/s/ Martha M. Tierney*\_\_\_\_\_