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| <p>COLORADO SUPREME COURT 2 East 14th Avenue Denver, CO 80203</p> | <p>DATE FILED May 6, 2026 1:53 PM</p> |
| <p>Original Proceeding Pursuant to § 1-40-107(2), C.R.S. (2025) Appeal from the Ballot Title Board</p> <hr/> <p>In the Matter of the Title, Ballot Title, and Submission Clause for Proposed Initiative 2025-2026 #240 (“Congressional Redistricting”)</p> <p>Petitioner: Wayne Williams</p> <p>v.</p> <p>Title Board: Theresa Conley, Michael Dohr, and Kurt Morrison.</p> <p>And</p> <p>Initiative #240 Proponents: Tanya Nathan and Lindsey Rasmussen</p> | <p>▲ COURT USE ONLY ▲</p> <p>Case No. 2026SA126</p> |
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| <p>THE TITLE BOARD’S ANSWER BRIEF</p> | |

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, I certify that:

The brief complies with the word limits set forth in C.A.R. 28(g) or C.A.R. 28.1(g).

It contains 1,122 words.

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

/s/ Peter G. Baumann

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TABLE OF CONTENTS

| | PAGE |
|---|-------------|
| ARGUMENT | 1 |
| I. The ancillary effects of #240, including its effect on Board of Education and University of Colorado Regents races do not constitute a second subject. | 1 |
| II. The Title Board’s decision not to explain the proposed congressional map in detail is an appropriate exercise of its considerable discretion. | 4 |
| CONCLUSION | 7 |

TABLE OF AUTHORITIES

| | PAGE |
|--|-------------|
| CASES | |
| <i>In re Title, Ballot Title & Submission Clause for 2013-2014 #90,</i> 2014 CO 63..... | 2, 4, 5, 6 |
| <i>In re Title, Ballot Title & Submission Clause for 2015-2016 #73,</i> 2016 CO 24..... | 5 |

ARGUMENT

Petitioner Wayne Williams challenges the Title Board's jurisdiction to set title on Proposed Initiative 2025-2026 #240 (“#240”), and the title it set once it determined it had jurisdiction to do so. Both challenges fail for the reasons articulated in the Board's Opening Brief, and none of the authorities cited in Petitioner's Opening Brief suggest otherwise. To the contrary, Petitioner repeatedly misstates the holding of one of this Court's precedents in support of its clear title challenge. For that reason, and for the reasons articulated in the Title Board's Opening Brief, the actions of the Board should be affirmed.

I. The ancillary effects of #240, including its effect on Board of Education and University of Colorado Regents races do not constitute a second subject.

The Title Board had jurisdiction to set title on #240 because it advances a single subject: congressional redistricting. Before this Court, Petitioner alleges that #240 contains two additional subjects: (1) “[d]isenfranchising voters of their representation on the State Board of Education and University of Colorado regents;” and (2) “[g]ranting authority for the independent redistricting commission to continue to

engage in congressional redistricting in 2031 and every 10 years thereafter.” Pet’r’s Opening Br. at 2 (Apr. 22, 2026). The Title Board addressed both those arguments in its Opening Brief, and neither are availing. Title Bd.’s Opening Br. at 6, 7-8 (Apr. 22, 2026).

As to the former, “the effects [a] measure could have on Colorado law if adopted by voters are irrelevant” to both the Board’s and this Court’s single subject determination. *In re Title, Ballot Title & Submission Clause for 2013-2014 #90*, 2014 CO 63, ¶ 17 (quotation omitted). As the Board explained in its Opening Brief, state lawmakers’ decision to tie State Board of Education and CU Regent seats to congressional district lines—while maintaining elections for those seats on a different calendar—means that there is always a period after redistricting in which the same effect Petitioner cites here occurs. *See* Title Bd.’s Opening Br. at 8-9. This is current law, and the effect #240 has on the operation of that law is at most an ancillary effect of the measure, not a second subject. In fact, under current law, it would be impossible to create a new congressional district map for the 2028

election without leading to what Petitioner calls a period of “disenfranchisement” for those other offices.¹

Second, #240’s affirmation that the independent redistricting commissioner will continue its work following the 2030 decennial census does not create logrolling concerns. Petitioner argues that such concerns arise because some voters will favor adopting “a hyperpartisan map for two elections” while others will instead favor “the creation or recreation of an independent commission for elections six years later.” Pet’r’s Opening Br. at 6. But Petitioner fails to account for the status quo. If #240 does not pass, then no mid-cycle redistricting will occur and the commission will continue its work in 2031. If #240 does pass, then a new map will exist for the next two election cycles, until the commission continues its work in 2031. A voter who favors the independent redistricting commissions over the adoption of the new map created by

¹ Although not directly presented, the Court can consider that attempting to amend the statutes tying State Board of Education and CU Regent seats to congressional boundaries, while also adjusting those boundaries, would raise significant single subject concerns itself.

#240 will have no issue voting against the measure. Under both passage and defeat their preferred outcome remains the same in 2031.

II. The Title Board’s decision not to explain the proposed congressional map in detail is an appropriate exercise of its considerable discretion.

Petitioner’s clear title arguments fare no better. Petitioner’s dominant complaint is that the Board did not describe the map—either in detail or as a gerrymander intended to “favor a single political party.” Pet’r’s Opening Br. at 11. In doing so, Petitioner repeatedly cites *In re 2013-2014 #90*, 328 P.3d at 162. Petitioner’s opening brief describes it as a case about “recalls” and succession. Pet’r’s Opening Br. at 10, 11. And Petitioner represents the holding of that case as: “that generally stating in a title that an initiative specifies recall and successor election procedures without in any way describing those procedures does not provide sufficient information to allow voters to determine intelligently whether to support or oppose the proposal.” Pet’r’s Opening Br. at 10; *see also id.* at 11 (“Just as a ballot question that merely advised voters of recall and successor election procedures without description was

inadequate, so too is advising voters of new maps without any description.” (citing *In re 2013-2014 #90*, 328 P.3d at 162)).

That case does not contain that holding. Ballot Initiative 2013-2014 #90 was not about recall or successor elections. Rather, it would have “expand[ed] . . . local governments’ authority to enact laws regulating oil and gas development.” *In re 2013-2014 #90*, ¶ 17.

It is possible Petitioner meant to cite *In re Title, Ballot Title & Submission Clause for 2015-2016 #73*, 2016 CO 24. There, this Court did consider a measure addressing recall and successor elections and did hold that describing a measure only as “specifying recall and successor election procedures for state and local elective officials” was insufficient to satisfy the Board’s clear title mandate. *Id.* at ¶¶ 6, 28.

But that case is no more favorable to Petitioner than the one Petitioner does cite. There, the Court held that the Board was obligated to describe the “procedures” that were being adjusted, particularly because the initiative proposed “to alter existing procedures significantly.” *Id.* at ¶ 32.

By contrast, the title the Board sets for #240 describes the initiative's procedural adjustments in detail. It makes clear that a new map is being adopted, that the temporary map will be in place for two elections, and that it will be replaced following the 2030 decennial census by a map drawn by the independent redistricting commission. Record at 15. Petitioner's complaint is that the Board did not attempt to describe the temporary map in detail. But this Court's holding in *In re 2015-2016 #73* is of no purchase there, because that case stands only for the proposition that procedural changes cannot be referenced without being specified.

Colorado law offers the Board "discretion in resolving interrelated problems of length, complexity, and clarity in setting a title." *In re 2013-2014 #90*, ¶ 24. Here, the Board exercised that "considerable discretion," *id.* at ¶ 8, to determine that any attempt to describe the map in detail would violate the Board's clarity and complexity obligations.

CONCLUSION

For the foregoing reasons, and those articulated in the Title Board's Opening Brief, the Court should affirm the title set by the Title Board.

Respectfully submitted on this 6th day of May, 2026.

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CERTIFICATE OF SERVICE

This is to certify that I have duly served the foregoing **THE TITLE BOARD'S ANSWER BRIEF** upon all counsel of record electronically via CCEF, at Denver, Colorado, this 6th day of May.

/s/ Carmen Van Pelt

Carmen Van Pelt