

<p>SUPREME COURT, STATE OF COLORADO  2 East 14th Avenue  Denver, Colorado 80203</p>	<p>DATE FILED  April 30, 2026 1:11 PM</p>
<p>ORIGINAL PROCEEDING PURSUANT TO  C.R.S. § 1-40-107(2)</p> <p><b>Petitioners:</b>  Lynn Granger and Carly West</p> <p>v.</p> <p><b>Colorado Ballot Title Setting Board:</b>  Theresa Conley, Christy Chase, and Kurt Morrison</p> <p>and</p> <p><b>Respondents:</b>  Sidra Aghababian and Jessica Arhontoulis</p>	<p>▲ COURT USE ONLY ▲</p>
<p><b>Attorneys for Petitioners:</b></p> <p>Jason R. Dunn, #33011  David B. Meschke, #47728  Reilly E. Meyer, #59495  BROWNSTEIN HYATT FARBER SCHRECK, LLP  675 15th St, Suite 2900  Denver, CO 80202  Tel: 303.223.1100  Fax: 303.223.1111  jdunn@bhfs.com; dmeschke@bhfs.com; and  rmeyer@bhfs.com</p>	<p>Case Number:</p>
<p style="text-align: center;"><b>PETITION FOR REVIEW OF FINAL ACTION OF  THE BALLOT TITLE SETTING BOARD CONCERNING  PROPOSED INITIATIVE 2025-2026 #310</b></p>	

Pursuant to section 1-40-107(2), Petitioners Lynn Granger and Carly West (“Petitioners”), through undersigned counsel, respectfully petition this Court to review the title, ballot title, and submission clause set by the Colorado Ballot Title Setting Board (the “Title Board”) for Proposed Initiative 2025-2026 #310 (“Initiative #310”).

### **I. ACTION OF THE TITLE BOARD**

Initiative #310 would impose joint and several liability on oil and gas operations for damages resulting from their operations. It was submitted to Legislative Council Staff on March 19, 2026. A review and comment hearing was held on April 2, 2026, after Legislative Council Staff and Office of Legislative Legal Services provided their Review & Comment Memorandum on March 27, 2026.

Initiative #310’s proponents filed original, amended, and final versions of Initiative #310 with the Title Board on April 2, 2026. The Title Board conducted its initial public hearing for the measure on April 15, 2026. At this initial public hearing, Petitioners challenged whether the Title Board had jurisdiction because Initiative #310’s proponents made significant changes to the measures after the review and

comment hearing, which were so substantial that it made Initiative #310 into an entirely different measure and some of which was not in response to the Review & Comment Memorandum and comments made during the review and comment hearing. Nevertheless, the Title Board, by a vote of 3-0, determined that it had jurisdiction to set title.

Petitioners subsequently filed a timely Motion for Rehearing on April 22, 2026. The motion once again challenged whether the Title Board lacks jurisdiction over Initiative #310 because changes made to the measure after the review and comment hearing were so substantial that they in essence created an entirely different measure requiring refiling and also went beyond amendments made in response to review and comment. Petitioners also challenged the title set by the Title Board because it fails to accurately describe the measure and would mislead voters. Specifically, the title (a) does not make clear that the measure applies only to conduct or contracts entered into after the effective date of the measure; (b) improperly uses “subsequent owners” as a proxy for “successors in interest”; and (c) fails to describe for voters what is meant by “joint and several liability.”

The Title Board considered the motion at a rehearing on April 23, 2026, and denied it by a 3-0 vote. Petitioners now seek review of the Title Board's actions under C.R.S. § 1-40-107(2).

## **II. ISSUES PRESENTED FOR REVIEW**

- A. Whether the Title Board lacked jurisdiction to set a title for Initiative #310 because changes made to the measure after the review and comment hearing substantially altered the intent and meaning of the measure's central features by switching the measure from providing an exception to the prohibition on ex post facto laws for joint and several liability for oil and gas operators to applying to current and future oil and gas operators, and thus in essence created an entirely different measure requiring that it be resubmitted for additional review and comment.
- B. Whether the Title Board lacked jurisdiction to set a title for Initiative #310 because changes were made to the measure that were not in direct response to comments made at the review and comment hearing, in violation of C.R.S. § 1-40-105(2).
- C. Whether the Title Board erred by adopting a title for Initiative #310 that misleads voters and fails to accurately describe the measure.

## **III. SUPPORTING DOCUMENTATION**

As required by section 1-40-107(2), attached are certified copies of:  
(1) the final copy of Initiative #310 as submitted to the Title Board; (2) the determinations and final action by the Title Board; (3) the Motion for Rehearing filed by Petitioners; and (4) the initial fiscal summary.

#### IV. RELIEF REQUESTED

Petitioners respectfully request that the Court reverse the Title Board's denial of Petitioners' Motion for Rehearing and hold that the Title Board lacks jurisdiction to set title for Initiative #310, or alternatively hold that the title set by the Title Board violates the clear title requirements.

Respectfully submitted on April 30, 2026.

BROWNSTEIN HYATT FARBER SCHRECK LLP

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*Attorneys for Petitioners Lynn Granger and Carly West*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 30, 2026, I electronically filed a true and correct copy of the foregoing **PETITION FOR REVIEW OF FINAL ACTION OF THE BALLOT TITLE SETTING BOARD CONCERNING PROPOSED INITIATIVE 2025-2026 #310** with the clerk of Court via the Colorado Courts E-Filing system which will send notification of such filing and service upon the following:

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\_\_\_\_\_  
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DATE FILED  
April 30, 2026 1:11 PM

# STATE OF COLORADO

## DEPARTMENT OF STATE CERTIFICATE

I, **JENA GRISWOLD**, Secretary of State of the State of Colorado, do hereby certify that:

the attached are true and exact copies of the filed text, fiscal summary, motion for rehearing, and the rulings thereon of the Title Board for Proposed Initiative “2025-2026 #310 Liability for Oil and Gas Operations” .....

.....

**IN TESTIMONY WHEREOF** I have unto set my hand .....  
and affixed the Great Seal of the State of Colorado, at the  
City of Denver this 28<sup>th</sup> day of April, 2026.

*Jena Griswold*

SECRETARY OF STATE



COLORADO TITLE SETTING BOARD

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IN THE MATTER OF THE TITLE AND BALLOT TITLE AND SUBMISSION  
CLAUSE FOR INITIATIVE 2025-2026 #310

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**MOTION FOR REHEARING**

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On behalf of Lynn Granger and Carly West (collectively, the “Objectors”), registered electors of the State of Colorado, the undersigned counsel hereby submit this Motion for Rehearing for Proposed Initiative 2025-2026 #310 (“Initiative #310”) pursuant to C.R.S. § 1-40-107, and as grounds therefore state as follows:

This Motion seeks the Title Board’s review for two reasons: (1) the Title Board lacks jurisdiction to set title because certain changes made after the review and comment hearing were not responsive to review and comment and substantially altered the intent and meaning of the measure; and (2) the title set for the proposed measure fails to accurately describe the measure and would mislead voters.

With this Motion for Rehearing, the Objectors incorporate all arguments made at the Title Board hearing for Initiative #310 held on April 15, 2026.

**I. THE TITLE BOARD LACKS JURISDICTION OVER INITIATIVE #310 BECAUSE CHANGES MADE TO THE MEASURE AFTER THE REVIEW AND COMMENT HEARING SUBSTANTIALLY ALTER THE MEASURE AND WENT BEYOND AMENDMENTS MADE IN RESPONSE TO REVIEW AND COMMENT.**

The changes made to Initiative #310 after review and comment were improper for two reasons. *First*, the changes made to Initiative #310 substantially alter the measure and require that the measure be resubmitted. *Second*, the changes made to the measure went beyond the changes discussed at the review and comment hearing, contrary to statutory limitations.

**a. THE CHANGES MADE TO INITIATIVE #310 AFTER REVIEW AND COMMENT SUBSTANTIALLY ALTERED THE INTENT AND MEANING OF THE MEASURE.**

Section 1-40-101(1) of the Colorado Revised Statutes requires that new proposals for citizen-initiated ballot measures be submitted for comment at a public meeting (*i.e.*, the review and comment hearing.)

Based on this requirement, the Colorado Supreme Court has held that if a ballot measure makes substantial changes after review and comment that fundamentally alter the nature of the measure then the measure must be resubmitted for additional review and comment, regardless of whether those

changes were made in response to issues raised during the review and comment hearing. In *In re Proposed Initiated Constitutional Amendment Concerning Ltd. Gaming in the Town of Idaho Springs* the Colorado Supreme Court made it clear that when “the adoption of language in a subsequent draft of a proposal [] substantially alters the intent and meaning of central features of the initial proposal,” “the revised document in effect constitutes an entirely different proposal” and “must be submitted to the legislative offices for comment.” 830 P.2d 963, 968 (Colo. 1992). “The public's right to understand the contents of an initiative in advance of its circulation would be completely eradicated if the intent and meaning of the central features of a proposal submitted to the Board for the purpose of fixing a title thereto is substantially different from the intent and meaning of the central features of an earlier version thereof that was submitted to the legislative offices.” *Id.* Where the “substantial alteration of the intent and meaning of a central feature of the initial proposal in effect creates a new proposal that must be submitted to the legislative offices for comment at a public meeting[,] . . . the absence of such meeting [deprives] the Board [of] authority to fix a title for the proposed amendment.” *Id.*

In the review and comment memorandum for Initiative #310, Legislative Council and the Office of Legislative Legal Services identified the major purpose of the measure as “to apply joint and several liability to current and **previous** oil and gas operators, owners, or producers for any damages resulting from oil and gas operations, including but not limited to personal injury, property damage, and environmental harm.” (Emphasis added). Commentary at the review and comment hearing addressed that Initiative #310, as written, violated the Colorado Constitution’s bar on ex post facto laws. *See* COLO. CONST. art. II, § 11. Proponents then altered the measure to make it forward-looking.

But, although the changes made were in response to review and comment, these changes substantially altered the intent and meaning of Initiative #310. Before review and comment, Initiative #310 was an amendment to Section 11 of Article II of the Colorado Constitution, providing an exception to the prohibition on ex post facto laws. After review and comment, Initiative #310 now adds a new Section 17 to Article 18 of the Colorado Constitution. Thus, the ex post facto element has been entirely removed, and the amended measure now seeks to add a new section to the Colorado Constitution in a completely different article – the “Miscellaneous” Article in the Colorado Constitution. Likewise, prior to review and comment, Initiative #310 applied to all current **and prior** oil and gas operators. Now, after review and comment, the measure applies to current oil and gas operators and their successors.

As a result, the changes made to Initiative #310 after review and comment constitute a “substantial alteration of the intent and meaning of a central feature of the initial proposal in effect creat[ing] a new proposal.” *In re Ltd. Gaming in the Town of Idaho Springs*, 830 P.2d at 968. Initiative #310 has switched from being a backwards-looking to forward-looking and thus has a substantially different intent

and meaning than the version originally submitted for review and comment. Such conduct divests the Title Board of jurisdiction over the amended measure. Therefore, the amended Initiative #310 must be resubmitted so that Legislative Council and the Office of Legislative Legal Services can comment on this entirely new proposal.

**b. PROPONENTS MADE ADDITIONAL CHANGES TO INITIATIVE #310 THAT WERE NOT IN RESPONSE TO REVIEW AND COMMENT.**

Section 1-40-105(2) of the Colorado Revised Statutes requires that if substantial amendment is made to a ballot measure that is not in direct response to comments made at review and comment hearing, the measure must be resubmitted. Initiative #310's review and comment hearing was held on April 2, 2026. At the hearing, proponents discussed with Legislative Council and the Office of Legislative Legal Services extensive changes to the measure. While proponents indeed made the changes discussed, they also went further.

Specifically, proponents made a significant addition to the measure that was not discussed during review and comment—the measure now applies to current oil and gas operators *and their successors in interest*. This alteration is different from removing the retroactive aspect of the original version of the measure. The proponents did not need to add “and their successors” to divorce the measure from its original placement as an exception to the prohibition on ex post facto laws. The review and comment memorandum did not suggest this change either. The proponents could simply have kept that the measure applies to current operators. But they did more.

Because this change was not discussed either the review and comment memorandum or the review and comment hearing, it is an impermissible addition. Accordingly, under C.R.S. § 1-40-105(2), the measure should be resubmitted.

**II. THE TITLE FAILS TO ACCURATELY DESCRIBE THE MEASURE AND WOULD MISLEAD VOTERS.**

Even if the Title Board were to affirm it has jurisdiction to set a title, setting a title for Initiative #310 is problematic for at least three reasons. The draft title approved at the April 15th hearing must be amended so that the title fully and accurately captures the measure's central features and does not mislead voters.

First, the title does not make clear that the measure applies only to conduct or contracts entered into after the effective date of the measure. As currently written, the title suggests that the timeline for joint and several liability is the duration of oil and gas operations on the site. Under the plain text of the measure, however, that is not the case. The title therefore must be changed to clarify this aspect. For example, language could be added that specifies that the measure applies to “current and future” oil and gas operations. Otherwise, there is a risk

that voters vote for the measure incorrectly thinking that it would hold oil and gas operators jointly and severally liable for their *past* operations.

Second, the title states that the measure imposes liability on “oil and gas operators, and subsequent owners of their operations.” The text of the measure, however, imposes liability on current oil and gas operators ***and their successors in interest.*** “Successors in interest” could be understood as encompassing a broader group than “subsequent owners.” The title should use the same or similar language to that in Initiative #310 in order to adequately describe the measure.

Third, the term “joint and several liability” is a legal term that is not commonly understood by the average voter and may lead to confusion. Thus, the title should include a plain language definition of the term to assuage any potential confusion and allow voters to fully understand the measure. For example, the title could convey in plain terms that the measure would make oil and gas operators and their successors collectively and individually responsible for the entire amount of damages, no matter how much that party is at fault.

Therefore, the title must be amended to make these changes because otherwise the title would not “correctly and fairly express the true intent and meaning” of the measure. *See* C.R.S. § 1-40-106(3)(b). Indeed, Title Board’s “duty is to ensure that the title, ballot title and submission clause, and summary fairly reflect the proposed initiative so that petition signers and voters will not be misled into support for or against a proposition by reason of the words employed by the board.” *In re Ballot Title 1997–1998 # 62*, 961 P.2d 1077, 1082 (Colo. 1998) (quoting *In re Proposed Initiated Constitutional Amendment Concerning the Fair Treatment of Injured Workers Amendment*, 873 P.2d 718, 719 (Colo. 1994)).

### CONCLUSION

Accordingly, the Objectors respectfully request that a rehearing is set pursuant to C.R.S. § 1-40-107(1) and that the Title Board grant this Motion.

Respectfully submitted this 22nd day of April 2026.

/s/ David B. Meschke

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## Ballot Title Setting Board

### Proposed Initiative 2025-2026 #310<sup>1</sup>

The title as designated and fixed by the Board is as follows:

An amendment to the Colorado Constitution holding oil and gas operators, and subsequent owners of their operations, jointly and severally liable for any damages, including personal injury, property damage, and environmental harm, resulting from their oil and gas operations.

The ballot title and submission clause as designated and fixed by the Board is as follows:

Shall there be an amendment to the Colorado Constitution holding oil and gas operators, and subsequent owners of their operations, jointly and severally liable for any damages, including personal injury, property damage, and environmental harm, resulting from their oil and gas operations?

*Hearing April 15, 2026:*

*Single subject approved; draft title changed; titles set.*

*The Board determined that the proposed initiative requires the addition of language to the Colorado Constitution. The requirement for approval by fifty-five percent of the votes cast applies to this initiative.*

*Board members: Christy Chase, Theresa Conley, Kurt Morrison*

*Hearing adjourned 11:48 A.M.*

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<sup>1</sup> Unofficially captioned “**Liability for Oil and Gas Operations\_**” by legislative staff for tracking purposes. This caption is not part of the titles set by the Board.

## Ballot Title Setting Board

### Proposed Initiative 2025-2026 #310<sup>1</sup>

The title as designated and fixed by the Board is as follows:

An amendment to the Colorado Constitution holding oil and gas operators, and subsequent owners of their operations, jointly and severally liable for any damages, including personal injury, property damage, and environmental harm, resulting from their oil and gas operations.

The ballot title and submission clause as designated and fixed by the Board is as follows:

Shall there be an amendment to the Colorado Constitution holding oil and gas operators, and subsequent owners of their operations, jointly and severally liable for any damages, including personal injury, property damage, and environmental harm, resulting from their oil and gas operations?

*Hearing April 15, 2026:*

*Single subject approved; draft title changed; titles set.*

*The Board determined that the proposed initiative requires the addition of language to the Colorado Constitution. The requirement for approval by fifty-five percent of the votes cast applies to this initiative.*

*Board members: Christy Chase, Theresa Conley, Kurt Morrison*

*Hearing adjourned 11:48 A.M.*

*Rehearing April 23, 2026:*

*Motion for rehearing (Granger/West) denied in its entirety (3-0).*

*Board members: Christy Chase, Theresa Conley, Kurt Morrison*

*Hearing adjourned 10:45 A.M.*

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<sup>1</sup> Unofficially captioned “**Liability for Oil and Gas Operations**” by legislative staff for tracking purposes. This caption is not part of the titles set by the Board.

2025-2026 #310 Clean Final

*Be it Enacted by the People of the State of Colorado:*

**SECTION 1.** In the constitution of the state of Colorado, **add** section 17 of article XVIII as follows:

**Section 17. Joint and several liability for oil and gas operations.**

JOINT AND SEVERAL LIABILITY SHALL APPLY TO CURRENT OIL AND GAS OPERATORS AND THEIR SUCCESSORS IN INTEREST FOR ANY DAMAGES RESULTING FROM THEIR OIL AND GAS OPERATIONS, INCLUDING PERSONAL INJURY, PROPERTY DAMAGE, AND ENVIRONMENTAL HARM.

**SECTION 2. Applicability.** This Act applies to conduct occurring or contracts entered into on or after the effective date of this measure.

**SECTION 3. Effective date.** This Act takes effect upon official declaration of the governor and is self-executing.



## Fiscal Summary

### Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

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**Measure:** Initiative 310 – LIABILITY FOR OIL AND GAS OPERATIONS

**Analyst:** Colin Gaiser, colin.gaiser@coleg.gov, 303-866-2677

**Date:** April 10, 2026

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## Fiscal Summary of Initiative 310

This fiscal summary, prepared by the nonpartisan Director of Research of the Legislative Council, contains a preliminary assessment of the measure's fiscal impact. A full fiscal impact statement for this initiative is or will be available at [leg.colorado.gov/bluebook](http://leg.colorado.gov/bluebook). This fiscal summary identifies the following impact.

### State Expenditures and Revenue

By making gas operators liable for damages from oil and gas operations, the Judicial Department will see an increase in expenditures and revenue from additional civil case filings. The measure will increase the number of plaintiffs seeking damages from oil and gas companies, and increase the scope of any corresponding lawsuits. This results in additional workload and costs for the Judicial Department. Any potential revenue impacts will depend on future business decisions regarding increased liability risk and economic conditions, and have not been estimated.

### Local Government

To the extent the measure reduces oil and gas operations in the state, local property tax revenue on oil and gas-related property may decrease.

### Economic Impacts

To the extent the measure increases legal action against oil and gas operators, owners, and producers, the initiative may lead to higher costs or reduced activity in the oil and gas sector. This could decrease employment and investment in the industry. Meanwhile, the measure could improve public health and increase property values in areas where environmental impacts are addressed.