

<p>COLORADO SUPREME COURT 2 East 14th Avenue Denver, CO 80203</p>	<p>DATE FILED May 14, 2026 11:22 AM</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 #327 (“Congressional Redistricting”)</p> <p>Petitioner: Curtis Hubbard</p> <p>v.</p> <p>Title Board: Theresa Conley, Michael Dohr, and Kurt Morrison.</p> <p>And</p> <p>Initiative #327 Proponents: John Brackney and Robyn Carnes</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <p>Case No. 2026SA153</p>
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<p style="text-align: center;">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 439 words.

The brief complies with the standard of review requirements set forth in C.A.R. 28(a)(7)(A) and/or C.A.R. 28(b).

The brief contains, under a separate heading before the discussion of the issue, 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 or 28.1, and C.A.R. 32.

s/ Peter G. Baumann

PETER G. BAUMANN,
Assistant Solicitor General

TABLE OF CONTENTS

ARGUMENT	1
I. Petitioner did not preserve the argument that changing the criteria governing the adoption of congressional maps is an additional subject.....	1

TABLE OF AUTHORITIES

	PAGES
CASES	
<i>In re Title, Ballot Title & Submission Clause, & Summary for 1999-2000 #265,</i> 3 P.3d 1210 (Colo. 2000)	1, 2
<i>In re Title, Ballot Title, & Submission Clause for 2013-2014 #90,</i> 2014 CO 63.....	2
<i>In re Proposed Ballot Initiative on Parental Rts.,</i> 913 P.2d 1127 (Colo. 1996)	2

ARGUMENT

I. Petitioner did not preserve the argument that changing the criteria governing the adoption of congressional maps is an additional subject.

Before this Court, Petitioner alleges that Proposed Initiative 2025-2026 #327 (“#327”) contains multiple subjects. One of those subjects, according to Petitioner, is “amending the Constitution to allow for mid-decade redistricting, based on a narrowed set of redistricting criteria.” Pet’r’s Opening Br. at 15 (May 7, 2026). The first part of this alleged subject was presented to the Title Board in Petitioner’s Motion for Rehearing. Record at 4. There, Petitioner argued that #327 “amend[s] the constitution to allow for mid-decade redistricting.” Record at 4.

But at no point in Petitioner’s Motion for Rehearing before the Title Board did Petitioner raise any arguments relating to #327’s treatment of the criteria that govern redistricting. Because Petitioner did not present that argument to the Board, Petitioner has not preserved it for this Court’s review. *See, e.g., In re Title, Ballot Title & Submission Clause, & Summary for 1999-2000 #265*, 3 P.3d 1210, 1215-

16 (Colo. 2000); *see also In re Title, Ballot Title & Submission Clause for 2013-2014 #90*, 2014 CO 63, ¶ 33 n.5.

To be sure, Petitioner did raise single subject concerns before the Board. Record at 2-4. But none of those concerns related to adjustments #327 makes to the criteria for drawing congressional districts. In this way, #327 is indistinguishable from this Court's consideration of Proposed Initiative 1999-2000 #265. There, the Petitioners challenged the Board's title on clear title grounds, including before the Board. *In re 1999-2000 #265*, 3 P.3d at 1212. However, before this Court, Petitioners advanced an argument for why the title was misleading that was not raised "either in their motion for rehearing or at the rehearing before the Board." *Id.* at 1215. "Because they did not raise the issue before the Board," the Court held that "they cannot now urge this contention as grounds for reversing the Board." *Id.* at 1215-16 (citing *In re Proposed Ballot Initiative on Parental Rts.*, 913 P.2d 1127, 1129 n.3 (Colo. 1996)).

So too here. Before the Board, Petitioner never advanced any arguments relating to #327's commentary around the criteria used to draw congressional districts. *See generally* Record at 2-4. But on appeal,

Petitioner argues that #327 imposes “a new, drastically limited set of criteria.” Pet’r’s Opening Br. at 17. Because this argument was not presented to the Board, it is not preserved for review here.

The Title Board addressed Petitioner’s other arguments in its Opening Brief and stands on those arguments. The Board should affirm the Title Board’s determination that it had jurisdiction to set Title on #327.

Respectfully submitted on this 14th 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 14th day of May.

/s/ Carmen Van Pelt

Carmen Van Pelt