

<p>SUPREME COURT OF COLORADO 2 East 14th Avenue Denver, Colorado 80203</p>	<p>DATE FILED May 8, 2026 4:28 PM</p>
<p>Original Proceeding Pursuant to C.R.S. § 1-40-107(2)</p> <p>Appeal from the Colorado Ballot Title Setting Board</p> <p>Petitioners: Lynn Granger and Carly West</p> <p>v.</p> <p>Respondents: Sidra Aghababian and Jessica Arhontoulis</p> <p>Colorado Ballot Title Setting Board: Theresa Conley, Christy Chase, and Kurt Morrison.</p>	<p>▲ COURT USE ONLY</p>
<p>Attorneys for Petitioners:</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: 2026SA154</p>
<p align="center">PETITIONERS' OPENING BRIEF</p>	

CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with all requirements of C.A.R. 28 or C.A.R. 28.1, 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) or C.A.R. 28.1(g).

It contains 4,499 words (principal brief does not exceed 9,500 words; reply brief does not exceed 5,700 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).

For each issue raised by the appellant, 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.

In response to each issue raised, the appellee must provide under a separate heading before the discussion of the issue, a statement indicating whether appellee agrees with appellant's statements concerning the standard of review and preservation for appeal and, if not, why not.

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/ Jason R. Dunn

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Pursuant to section 1-40-107(2), Petitioners Lynn Granger and Carly West (collectively, “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 #311 (“Initiative #311”).

ISSUES PRESENTED FOR REVIEW

- A. Whether the Title Board lacked jurisdiction to set a title for Initiative #311 because the measure impermissibly contains multiple subjects that are not necessarily or properly connected.
- B. Whether the Title Board lacked jurisdiction to set a title for Initiative #311 because the measure is so vague, confusing, and unclear as to its enforcement mechanisms that it cannot be understood.
- C. Whether the Title Board erred by adopting a title for Initiative #311 that misleads voters and fails to accurately describe the measure.

STATEMENT OF THE CASE

Initiative #311—which would impose joint and several liability on oil and gas operators and waste injectors for damage to underground drinking water sources—is the second of four retaliatory ballot measures filed by proponents associated with Conservation Colorado aimed at

severely impacting the oil and gas industry.¹ The four draconian measures (Initiatives ##310–313) were filed specifically in response to Initiative #177, a measure backed by Advance Colorado that would provide a constitutional right for consumers to purchase natural gas. Conservation Colorado filed these measures because it perceives Initiative #177 to violate the 2024 agreement under which the environmental community and the state’s oil and gas industry agreed to withdraw competing energy ballot measures. Advance Colorado, however, is not an organization representing the oil and gas industry. Neither Petitioner is affiliated with Advance Colorado or supports Initiative #177.

Initiative #311 was submitted at the eleventh hour to make the final Title Board hearings for the 2026 ballot. The measure’s late filing explains its haphazard features. Initiative #311’s proponents did not fully

¹ See *Release: Conservation Colorado holds polluters accountable, new ballot measures would make fossil fuel polluters pay for the damage they cause*, CONSERVATION COLO. (Mar. 19, 2026), <https://conservationco.org/press-release/release-conservation-colorado-holds-polluters-accountable-new-ballot-measures-would-make-fossil-fuel-polluters-pay-for-the-damage-they-cause>

consider how the measure would coexist with existing enforcement mechanisms in Title 34, Article 60 of the Colorado Revised Statutes. Indeed, the measure does not address enforcement at all, raising questions about whether it will be enforced through existing statutory and regulatory methods, through private lawsuits, or both. To deepen the confusion, the measure as drafted does not align with either enforcement mechanism.

Initiative #311 also adds an entirely new remediation standard different from those currently existing in Colorado and federal law, along with improperly combining backward-looking and forward-looking aspects. Whether intentional or not, these separate and distinct subjects violate Colorado's single-subject requirement. These deficiencies divest the Title Board of jurisdiction to set title.

Respondents filed Initiative #311 with Legislative Council staff on March 19, 2026, one day before the deadline to submit proposals for the 2026 election. A review and comment hearing was held on April 2, 2026, after staff from Legislative Council and the Office of Legislative Legal Services provided their Review & Comment Memorandum on March 27,

2026. Initiative #311's proponents then filed original, amended, and final versions of Initiative #311 with the Title Board on April 2, 2026.

At the Initiative's April 15, 2026 initial hearing, the Title Board voted 3-0 that the Initiative contained a single subject and then set title. After Petitioners filed a motion for rehearing challenging the measure on single-subject, jurisdictional, and title grounds, the Title Board held a rehearing on April 23, 2026. The Title Board voted 3-0 to deny the motion.

Petitioners subsequently filed this appeal. Petitioners specifically request this Court hold that the Title Board does not have jurisdiction to set title for the Initiative because the measure contains multiple distinct subjects in violation of the single subject requirement and because the measure is so vague and unclear as to not be understood. Alternatively, Petitioners request that this Court hold that the title set by the Title Board violates the clear title requirement.

SUMMARY OF THE ARGUMENT

This appeal raises three issues: (1) whether Initiative #311 violates the single-subject requirement by containing multiple subjects coiled in the folds; (2) whether the measure's unclear enforcement renders it too

vague and confusing to set title; and (3) whether the adopted title accurately reflects the contents of the measure. All three issues should prevent Initiative #311 from moving forward.

As to the first issue, the Title Board lacked jurisdiction to set title for Initiative #311 because it impermissibly contains separate and distinct subjects in violation of the single-subject requirement. The measure: (a) clandestinely contains a new remediation standard—requiring restoration of underground drinking water sources to *pre-damage conditions*—a requirement not currently in Colorado or federal law; and (b) improperly combines two aspects with different temporal elements by (i) providing for damages for conduct that has transpired (backward-looking) and (ii) requiring restoration to a certain standard (forward-looking).

As to the second issue, the Title Board also lacked jurisdiction to set title for Initiative #311 because it is so unclear and confusing that it cannot be understood. Initiative #311 does not include an explicit enforcement provision, leaving the enforcement scheme for the measure unclear and suggesting some type of automatic liability for damage to

underground sources of drinking water. The intent may be to utilize the existing statutory enforcement mechanisms which provide the Colorado Energy & Carbon Management Commission (“ECMC”) the ability to impose penalties and the state’s Attorney General enforcement powers to bring an action to recover the amount of any monetary penalties on ECMC’s behalf. Or, the intent may be for enforcement through a private right of action for individuals. Regardless, this uncertainty results in an initiative that is so vague, confusing, and unclear that its true purpose cannot be understood by voters.

As to the third issue, Initiative #311’s title as currently constructed does not correctly and fairly express the true intent and meaning of the measure, in contravention of the clear title requirement. 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) omits the requirement that a drinking water source damaged by generation or injection of exploration must be restored “to its pre-damage condition;” (c) does not make clear that liable operators are those actually responsible for generation or injection of waste; (d) omits any clarity on

the enforcement mechanism for the measure; (e) fails to describe for voters what is meant by the legal term “joint and several liability;” and (f) suggests there are additional instances, beyond those specifically identified in the title, where joint and several liability apply. The title as written thus obfuscates the true purpose, intent, and impact of the measure.

Given these flaws, the measure, and the title as adopted, cannot be presented to voters. Therefore, Petitioners request that this Court determine that the Title Board lacked jurisdiction to set title for Initiative #311. If this Court decides to affirm the Title Board’s determination on jurisdiction, then Petitioners request that this Court remand the measure back to the Title Board to amend the title so that voters are not misled.

STANDARD OF REVIEW

This Court is vested with authority to review the rulings of the Title Board. C.R.S. § 1-40-107(2). As part of this review, this Court “employ[s] all legitimate presumptions in favor of the propriety of the [Title] Board’s action.” *In re Title, Ballot Title, & Submission Clause for 2009-2010 No.*

45, 234 P.3d 642, 645 (Colo. 2010). While the Court’s “review of actions taken by the Title Board is of a limited scope,” *In re Title, Ballot Title, & Submission Clause for 2007-2008 #62*, 184 P.3d 52, 58 (Colo. 2008), “the proponents of an initiative bear the ultimate responsibility for formulating a clear and understandable proposal for the voters to consider.” *Id.* at 57 (quotation omitted).

In reviewing whether a measure encompasses more than a single subject, the focus is on whether the initiative presents either of the two “evils” the single subject requirement aims to prevent: logrolling and voter surprise. *See Matter of Title, Ballot Title, & Submission Clause for 2021-2022 #16*, 489 P.3d 1217, 1224 (Colo. 2021). Additionally, an initiative’s title must “correctly and fairly express [its] true intent and meaning,” C.R.S § 1-40-106(3)(b), and “should allow voters, whether or not they are familiar with the subject matter of a particular proposal, to determine intelligently whether to support or oppose the proposal,” *In re Title, Ballot Title & Submission Clause for 2015–2016 #73*, 369 P.3d 565, 568 (Colo. 2016).

ARGUMENT

I. Initiative #311 impermissibly contains multiple separate and distinct subjects.

The Title Board lacked jurisdiction to set title on Initiative #311 because it contains multiple distinct subjects improperly coiled in the folds that would lead to either voter surprise or impermissible logrolling.² According to Respondents, Initiative #311’s single subject is “protecting underground sources of drinking water from injected oil and gas wastewater.” (Review and Comment Hearing (April 2, 2026).) The measure seeks to achieve this goal by imposing joint and several liability on oil and gas operators and waste injectors for damages caused by generating or injecting exploration and production waste and for remediation of the underground source of drinking water. But the measure does more than that.

First, Initiative #311 contains a new remediation requirement coiled up in its folds. Remediation of underground sources of drinking

² Petitioners preserved this argument in their motion for rehearing, (Initiative #311 Pet. for Review, Ex. 1 at 2–4), and at the rehearing (Title Board Rehearing (April 23, 2026), <https://csos.granicus.com/player/clip/570>).

water damaged by oil and gas operators is already required under Colorado statute. *See, e.g.*, ECMC Rule 912.c.1. But these existing requirements relate to ensuring that groundwater meets quality standards and qualifications. Initiative #311 would not only impose joint and several liability as to these existing remediation requirements, but also impose joint and several liability for a completely new requirement—costs associated with “remediation for the underground source of drinking water to restore it to its *pre-damage condition*.” The two are not the same. Quality standards and qualifications can currently be met through remediation efforts even though the drinking water source is not restored to its pre-damage condition.

Moreover, what “pre-damage condition” means is wholly unclear. If, for example, fracking operations occurred, does that require placing all the underground rock back in its original location? Or something else? The answer is not found in Initiative #311.

As a result, Initiative #311 clandestinely contains an entirely new requirement—requiring restoration to pre-damage conditions—not currently in Colorado law. This aspect is not necessarily and properly

connected to the measure’s central feature of imposing joint and several liability on existing requirements. *See Outcalt v. Bruce*, 961 P.2d 456, 464 (Colo. 1998) (“[T]he purpose of the single subject requirement of article V, section 1(5.5) is to prohibit the practice of putting together in one measure subjects having no necessary or proper connection for the purpose of garnering support for measures from parties who might otherwise stand in opposition.”) (Kourlis, J., dissenting); *In re Title, Ballot Title and Submission Clause for Proposed Initiative 2001-02 No. 43*, 46 P.3d 438, 442 (Colo. 2002) (the single-subject requirement helps avoid “voter surprise and fraud occasioned by the inadvertent passage of a surreptitious provision ‘coiled up in the folds’ of a complex initiative”).

Second, Initiative #311 improperly combines two aspects with different temporal elements: (1) providing for damages for conduct that has transpired, such as compensation for economic or health-related harm (backward-looking); and (2) requiring restoration of underground drinking water sources (forward-looking). These purposes are separate and distinct—one is not necessary to the other. *See In re Title, Ballot Title, Submission Clause for 2009–2010 #91*, 235 P.3d 1071, 1076 (Colo.

2010) (quoting *In re Title, Ballot Title & Submission Clause, & Summary for 1997–1998 #64*, 960 P.2d 1192, 1196 (Colo. 1998)) (“[W]here an initiative advances separate and distinct purposes, ‘the fact that both purposes relate to a broad concept or subject is insufficient to satisfy the single subject requirement.’”) (alteration in original). These multiple subjects are not necessarily and properly connected to each other but instead achieve separate and distinct purposes. See *In re Matter of Title, Ballot Title and Submission Clause for 2019–2020 #315*, 500 P.3d 363, 367 (Colo. 2020) (quoting *In re 2015–2016 #73*, 369 P.3d at 568) (in deciding whether an initiative addresses a single subject, the relevant question is whether its provisions are “necessarily and properly connected rather than disconnected or incongruous”). The measure thus falls victim to the ills plaguing omnibus measures.

In particular, Initiative #311 presents logrolling risks, as different voters or groups may favor one aspect (requiring oil and gas operators to restore contaminated drinking water to pre-damage conditions) but disapprove of the other (imposing joint and several liability on these operators for harm caused). See *Outcelt*, 961 P.2d at 464 (Kourlis, J.,

dissenting); *In re Title, Ballot Title, Submission Clause, and Summary Adopted April 5, 1995 Pertaining to Proposed Initiative “Public Rights in Waters II”*, 898 P.2d 1076, 1079 (Colo. 1995). Such an outcome is exactly why the single-subject requirement exists in Colorado.

Accordingly, for the reasons described above, Initiative #311 contains multiple subjects and the Title Board lacked jurisdiction to set title. *Matter of Titles, Ballot Titles, & Submission Clauses for Proposed Initiatives 2021-2022 #67, #115, & #128*, 526 P.3d 927, 929 (Colo. 2022).

II. The Title Board lacked jurisdiction to set title on Initiative #311 because the measure’s enforcement mechanism is vague, confusing, and unclear.

The Title Board also lacks jurisdiction to set title because Initiative #311 is so vague, confusing, and unclear that it cannot be understood. The Colorado Constitution mandates that an initiative’s single subject “shall be clearly expressed in its title.” *See In re 2015-2016 #73*, 369 P.3d at 568. The clear title standard requires that titles “allow voters, whether or not they are familiar with the subject matter of a particular proposal, to determine intelligently whether to support or oppose the proposal.” *Id.* The Title Board must consider the confusion that may arise from a

misleading title and set titles that “correctly and fairly express the true intent and meaning” of a measure. *Id.* (quoting C.R.S. § 1-40-106(3)(b)). Based on these principles, if an initiative is so vague, confusing, or unclear that its true purpose cannot be understood, then the Title Board lacks jurisdiction to set a title. The Title Board has declined to set a title on this ground in the past, and it should have similarly refrained from doing so here.³

The proposed statutory text of Initiative #311 reads:

Any oil and gas operator or waste injector that generates or injects exploration and production waste resulting in damage to an underground source of drinking water ***shall be held*** jointly and severally liable for all costs associated with: (a) remediation of the underground source of drinking water to restore it to its pre-damage condition; and (b) compensation for any economic, environmental, or health-related harm caused by the damage.

(Initiative #311 Pet. for Review, Ex. 1 at 13) (emphasis added.)

Similarly, the title as designated by the Title Board reads:

³ Petitioners preserved this argument in their motion for rehearing, (Initiative #311 Pet. for Review, Ex. 1 at 4–6), and at the rehearing (Title Board Rehearing (April 23, 2026), <https://csos.granicus.com/player/clip/570>).

A change to the Colorado Revised Statutes holding oil and gas operators and waste injectors jointly and severally liable for damage to underground drinking water sources caused by the generation or injection of exploration and production waste, and, in connection therewith, holding operators and waste injectors liable for all costs to restore the drinking water source and for economic, environmental, or health-related harm caused by the damage.

(*Id.* at 10 (emphasis added).)

Initiative #311's title language implies the existence of an unstated enforcement mechanism, or perhaps some form of automatic enforcement, to impose the potential liability described in Initiative #311. However, there is no explicit enforcement provision in Initiative #311. Because the measure's proposed text would reside in Title 34, Article 60 of the Colorado Revised Statutes, and it does not contain its own enforcement provision, it presumably relies on the enforcement mechanism already present in Article 60. Section 34-60-114 of the Colorado Revised Statutes provides private individuals with the opportunity to sue for damages for violations of Article 60. Section 34-60-121 of the Colorado Revised Statutes variously provides the ECOMC with the ability to impose penalties by order after a hearing for violations of

Article 60 and provides the state’s Attorney General with the ability to bring an action to recover the amount of any monetary penalties on behalf of the commission.

Initiative #311 is unclear about which of these enforcement mechanisms—through regulatory action or a private right of action—it seeks to avail itself of. Proponents themselves admitted as much at the Initiative’s rehearing. (Title Board Rehearing at 1:03:33–1:05:30 (April 23, 2026).) While it is likely the measure would be enforced, at least in part, by individuals, *see* C.R.S. § 34-60-121, the Initiative’s title and proposed statutory language do not square with an enforcement regime centered upon a private right of action. Section 34-60-121 of the Colorado Revised Statutes, which provides that “[a]ny energy and carbon management operator that violates this article 60, any rule or order of the commission, or any permit is subject to a penalty of not more than fifteen thousand dollars for each act of violation per day that the violation continues,” is inherently incongruous with the joint and several liability for “costs associated with” remediation and compensation imposed

through Initiative #311. Such associated costs could reasonably exceed the damages cap expressed in C.R.S. § 34-60-121.

The title text, which provides for “a change to the Colorado Revised Statutes *holding* oil and gas operators and waste injectors jointly and severally liable,” (Initiative #311 Pet. for Review, Ex. 1 at 10) (emphasis added)), implies automatic liability rather than an opportunity for imposition of this kind of liability through private civil suits or administrative action. If the measure was intended to provide an opportunity for imposition of joint and several liability through individual civil suits, it should make that intention clear. Likewise, if the measure was intended to be enforced through administrative action by the ECOM or Attorney General, that should similarly be made clear through the text of the measure.

As it stands, it is unclear how enforcement of Initiative #311 will operate. This uncertainty results in an initiative that is so vague, confusing, and unclear that its true purpose cannot be understood by voters. Resultingly, the Title Board lacked jurisdiction to set a title.

III. Initiative #311's title fails to accurately describe the measure and would mislead voters.

Even if this Court were to affirm that the Title Board had jurisdiction to set a title, the title set for Initiative #311 violates the clear title requirement. The title set by the Title Board for Initiative #311 is:

A change to the Colorado Revised Statutes holding oil and gas operators and waste injectors jointly and severally liable for damage to underground drinking water sources caused by the generation or injection of exploration and production waste, and, in connection therewith, holding operators and waste injectors liable for all costs to restore the drinking water source and for economic, environmental, or health-related harm caused by the damage.

(Initiative #311 Pet. for Review, Ex. 1 at 10.)

A measure's title must "correctly and fairly express the true intent and meaning" of the measure. *See* C.R.S. § 1-40-106(3)(b). The Title Board has the "duty [] 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)); see also *In re Title, Ballot Title and Submission Clause, & Summary for 1999-2000 No. 258(A)*, 4 P.3d 1094, 1099 (Colo. 2000) (“Eliminating a key feature of the initiative from the titles is a fatal defect if that omission may cause confusion and mislead voters about what the initiative actually proposes.”). Here, the title set for Initiative #311 is misleading for at least six reasons.⁴

First, Initiative #311’s title makes no mention that it would apply only to conduct or contracts entered into after the effective date of the measure. As described above (*see supra* Section I), Respondents added an applicability clause in the amended version of Initiative #311 specifying that the measure applies only to “conduct occurring or contracts entered into on or after the effective date of this measure.” But as currently written, the title appears to indicate that the timeline for liability is the

⁴ Petitioners preserved this argument in their motion for rehearing, (Initiative #311 Pet. for Review, Ex. 1 at 6–8), and at the Title Board rehearing (Title Board Rehearing (April 23, 2026), <https://csos.granicus.com/player/clip/570>).

duration of oil and gas operations on the site. According to the applicability clause, however, it applies only to *current and future* generation or injection of exploration and production waste. Simply adding “current and future” in the below manner will provide much-needed clarity and avoid voter confusion as to what conduct the measure targets:

A change to the Colorado Revised Statutes holding oil and gas operators and waste injectors jointly and severally liable for damage to underground drinking water sources caused by the ***current and future*** generation or injection of exploration and production waste, and, in connection therewith, holding operators and waste injectors liable for all costs to restore the drinking water source and for economic, environmental, or health-related harm caused by the damage.

Moreover, Initiative #311’s title raises additional questions about the scope of liability. Does the “conduct” referenced in the applicability clause apply to both generation and injection of exploration waste? What happens when waste is generated before the effective date of the measure but injected after? Who is liable for that conduct? Is anyone liable for that conduct? To avoid significant voter confusion, these aspects must be clarified in the title.

Second, the title does not specify that the required restoration of the drinking water source damaged by generation or injection of exploration and production waste according to the measure is restoration “to its pre-damage condition.” Requiring restoration to “pre-damage condition” is an entirely new legal requirement. *See supra* Section I. To avoid misleading voters on the scope of Initiative #311, such a consequential change should be clear from the title. Adding language akin to the below will provide clarity and better align with the text of the measure:

A change to the Colorado Revised Statutes holding oil and gas operators and waste injectors jointly and severally liable for damage to underground drinking water sources caused by the generation or injection of exploration and production waste, and, in connection therewith, holding operators and waste injectors liable for all costs to restore the drinking water source **to its pre-damage condition** and for economic, environmental, or health-related harm caused by the damage.

Third, the title as currently written would lead to confusion about which operators are held liable for damage to underground drinking water sources caused by the generation and injection of exploration and production waste. As currently written, the title does not clarify that not

all operators would be held liable for damage to underground drinking water sources caused by the generation and injection of exploration and production waste, but rather only those that are *actually responsible* for generation or injection of waste. When this issue was raised at the Title Board Rehearing for Initiative #311, Respondents themselves agreed that adding language clarifying this aspect of the measure would provide clarity. (Title Board Rehearing (April 23, 2026), <https://csos.granicus.com/player/clip/570>.) Adding the following language is necessary to clarify the effect of the measure:

A change to the Colorado Revised Statutes holding oil and gas operators and waste injectors jointly and severally liable for damage to underground drinking water sources caused by the generation or injection of exploration and production waste, and, in connection therewith, holding ***the responsible*** operators and waste injectors liable for all costs to restore the drinking water source and for economic, environmental, or health related harm caused by the damage.

Fourth, as described above, (*supra* Section II), the enforcement mechanism, whatever it is, must be made clear in Initiative #311's title. Currently, the title language states that the measure "hold[s]" oil and gas operators and waste injectors liable. But that is not what Initiative #311

does. Rather, oil and gas operators are *found liable* by courts or administrative agencies. Voters need to understand that enforcement of the measure is not automatic. The current title does not make this necessary aspect clear.

Fifth, the term “joint and several liability” is a legal term not commonly understood by the average voter. Inclusion of such legalese will lead to voter confusion. Instead, the title should include a plain language definition of the term that allows voters to understand the impact of the measure. For example, the title could convey in plain terms that the measure would make oil and gas operators and waste injectors “collectively and individually responsible for the entire amount of damages or remediation, no matter how much that party is at fault.” Proponents themselves suggested the addition of similar language—changing “joint and several” to “collectively or individually responsible”—at the Title Board Rehearing. (See Title Board Rehearing at 1:02:50–1:03:28 (April 23, 2026), <https://csos.granicus.com/player/clip/570>.)

Sixth, the title as drafted suggests that oil and gas operators and waste injectors jointly and severally liable for damage to underground

drinking water sources caused by the generation or injection of exploration *in all circumstances* and that the clauses after “in connection therewith” provide two of the possible examples of this. But the measure is drafted differently. The two “examples” are actually the *only* instances where joint and several liability apply. This clarification needs to be made in the title. Without these changes, Initiative #311’s title is incomplete and misleading, and must be amended to express the measure’s true intent and meaning.

CONCLUSION

Petitioners respectfully request the Court reverse the Title Board’s denial of Petitioners’ Motion for Rehearing and hold that the Title Board does not have jurisdiction to set title for Initiative #311 because: (1) the measure impermissibly contains multiple subjects; and (2) the measure is so vague, confusing, and unclear that it cannot be understood. For those reasons, the Court should vacate the Title Board’s decision and remand the measure to the Respondents. And even if the Court holds that the Title Board did have jurisdiction to set title, the Court should nonetheless vacate the Title Board’s title because it violates the clear title

requirements, and direct the Title Board to modify the title to address the concerns raised herein.

Respectfully submitted May 8, 2026.

BROWNSTEIN HYATT FARBER SCHRECK
LLP

/s/ Jason R. Dunn

Jason R. Dunn, #33011

David B. Meschke, #47728

Reilly E. Meyer, #59495

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

Attorneys for Petitioners Lynn Granger and Carly West

CERTIFICATE OF SERVICE

I hereby certify that on May 8, 2026, I electronically filed a true and correct copy of the foregoing **PETITIONERS' OPENING BRIEF** via the Colorado Courts E-Filing system which will send notification of such filing and service upon counsel of record:

Emily Buckley, Esq.
Office of the Colorado Attorney General
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 6th Floor
Denver, CO 80203
emily.buckley@coag.gov
Counsel for the Title Board

Martha Tierney, Esq.
Tierney Lawrence Stiles LLC
225 East 16th Avenue, Suite 350
Denver, CO 80203
Telephone: 303-949-7676
Email: mtierney@TLS.legal
Counsel for Respondents

/s/ Rachael Cotner
Rachael Cotner, Paralegal