

<p>SUPREME COURT, STATE OF COLORADO 2 East 14th Avenue Denver, Colorado 80203</p>	<p>DATE FILED April 30, 2026 1:44 PM</p>
<p>ORIGINAL PROCEEDING PURSUANT TO C.R.S. § 1-40-107(2)</p> <p>Petitioners: Lynn Granger and Carly West</p> <p>v.</p> <p>Colorado Ballot Title Setting Board: Theresa Conley, Christy Chase, and Kurt Morrison</p> <p>and</p> <p>Respondents: Sidra Aghababian and Jessica Arhontoulis</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:</p>
<p style="text-align: center;">PETITION FOR REVIEW OF FINAL ACTION OF THE BALLOT TITLE SETTING BOARD CONCERNING PROPOSED INITIATIVE 2025-2026 #313</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 #313 (“Initiative #313”).

I. ACTION OF THE TITLE BOARD

Initiative #313 would impose strict liability on oil and gas operators, owners, and producers for damages resulting from their oil and gas 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 #313’s proponents filed original, amended, and final versions of Initiative #313 with the Title Board on April 2, 2026. The Title Board conducted its initial public hearing for the measure on April 15, 2026, where it determined, by a vote of 3-0, that it had jurisdiction to set title.

Petitioners subsequently filed a timely Motion for Rehearing on April 22, 2026. The motion challenged whether the Title Board lacks jurisdiction to set title on Initiative #313 because the measure is so vague, confusing, and unclear that it cannot be understood as its applicability clause pertains to when undefined “conduct” occurs, which is a concept incompatible with strict liability. The motion also challenged the title set for Initiative #313 because it fails to accurately describe the measure and would mislead voters. Specifically, the title as written: (a) makes it appear that Initiative #313 has a retroactive effect; (b) places “without regard to fault, negligence, or intent” in a misleading location; and (c) leaves ambiguous what types of events trigger strict liability under the measure because “conduct” in the applicability clause is undefined, meaning that conduct could apply to when oil and gas operations transpire or when damages occur.

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 #313 because the measure is so vague, confusing, and unclear that it cannot be understood, as its applicability clause pertains to when undefined “conduct” occurs, which is a concept incompatible with strict liability.

- C. Whether the Title Board erred by adopting a title for Initiative #313 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 #313 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 #313, 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

*/s/ David B. Meschke*_____

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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 #313** 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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DATE FILED
April 30, 2026 1:44 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 #313 - 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 28th day of April, 2026.

Jena Griswold

SECRETARY OF STATE



COLORADO TITLE SETTING BOARD

**IN THE MATTER OF THE TITLE AND BALLOT TITLE AND SUBMISSION
CLAUSE FOR INITIATIVE 2025-2026 #313**

MOTION FOR REHEARING

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 #313 (“Initiative #313”) 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 a title because Initiative #313 is unclear on its face; and (2) the title set for the proposed measure fails to accurately describe the measure and would mislead voters.

**I. THE TITLE BOARD LACKS JURISDICTION TO SET TITLE ON INITIATIVE #313
BECAUSE IT IS SO UNCLEAR AND CONFUSING.**

First, and most importantly, the Title Board lacks jurisdiction to set title on Initiative #313 because the measure is, on its face, unclear and confusing. The Colorado Constitution mandates that an initiative’s single subject “shall be clearly expressed in its title.” *In re Title, Ballot Title and Submission Clause for 2015-2016 #73*, 369 P.3d 565, 568 (Colo. 2016). The clear title standard requires that the title “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.* 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 similarly refrain from doing so here.

The purpose of Initiative #313, as reflected in the review and comment memorandum, is “to require an operator, owner, or producer to be held strictly liable for any damages, including personal injury, property damage, and environmental harm, resulting from oil and gas operations.” The amended measure, as submitted to Title Board, added an applicability clause limiting the measure’s effect to “conduct occurring on or after the effective date of the measure.” The

purpose of the measure and the applicability clause, applying the measure to “conduct” occurring after the effective date, are inherently incongruous.

“Conduct” is commonly defined as “the act, manner, or process of carrying on.”^[1] “Strict liability,” on the other hand, is defined as “liability based on causation alone, without any other limiting factors,” or “liability without fault.”^[2] Thus, a strict liability construct is not targeted at conduct. Instead, in attributing liability, it focuses only on the origin of the damage. Tying applicability to the term “conduct” is therefore inherently opposed to the negligence concept of strict liability.

For example, under the federal Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), an operator or owner of a property is strictly liable for any contamination on its property regardless of when the contamination occurred. *See* 42 U.S.C. § 9607. The liability is tied directly to the fact that the contamination *occurred*, and not the *conduct* that caused the contamination. This liability extends to any historical owner of the property in the chain of title. For Initiative #313, however, it is not clear whether the same scope of liability is intended here. Does “conduct” apply to “damages” or to “oil and gas operations”? Or to both? And how does one determine the source of the contamination or damages to assign liability? At many oil and gas sites, it will be unclear exactly when pollutants or contamination originated or what events caused them. Where does Initiative #313 draw the line?

Moreover, depending on the answers to the questions posed above, Initiative #313 could be retroactive and/or implicate prior owners. If this is the case, then the measure implicates the same constitutional issues identified in the review and comment memorandum, *see* COLO. CONST., art. II § 11. The significant uncertainty detailed above means that this Title Board must refrain from setting title. *See In re 2015-2016 #73*, 369 P.3d at 568.

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, and that the measure does not impermissibly contain multiple subjects, setting a title for Initiative #313 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, depending on the answers to the above questions, the title must make clear that the measure does not apply retroactively. Currently, the title for Initiative #313 is as follows: “A change to the Colorado Revised Statutes holding any oil and gas operator, owner, or producer strictly liable for any damages,

^[1] Conduct, MERRIAM WEBSTER, <https://www.merriam-webster.com/dictionary/conduct>.

^[2] Liability, BLACK’S LAW DICTIONARY (12th ed. 2024).

including personal injury, property damage, or environmental harm, resulting from their oil and gas operations without regard to fault, negligence, or intent.” From the text of the title, voters may assume that operators, owners, or producers can be held strictly liable for *past* operations. But the measure may apply only to “conduct” occurring *after* the effective date of the measure. The addition of the following language would make the effect of the measure clearer and lead to less voter confusion: “...resulting from their ***current and future*** oil and gas operations....”

As previously discussed above, the omission of this aspect of the measure is significant, as strict liability in the related CERCLA context includes any *historical* operations that may have impacted the environment. However, Initiative #313 may not apply to historical operations. Thus, the title must make this distinction clear so that voters understand the true scope of the measure.

Second, the inclusion of “without regard to fault, negligence, or intent” in the title will lead to voter confusion. It is unclear from the title’s text whether “without regard to fault, negligence, or intent” is in reference to strict liability or is meant to articulate a standard different than strict liability. Voter confusion could be reduced by simply moving “without regard to fault, negligence, or intent” up higher in the title, in a way akin to the following: “A change to the Colorado Revised Statutes holding any oil and gas operator, owner, or producer strictly liable, ***without regard to fault, negligence, or intent***, for any damages, including personal injury, property damage, or environmental harm, resulting from their oil and gas operations ~~without regard to fault, negligence, or intent~~.”

Third, the title is also inadequate because it leaves ambiguous what types of events trigger strict liability under the measure, as referenced in Section I above. The title for Initiative #313 refers to harm “resulting from their oil and gas operations” but the measure’s text refers also to “conduct occurring on or after the effective date of this measure.” Does this mean an operator who discovers pollution or contamination after the effective date, but which came from prior operations before its ownership is not liable under the measure? Or what about environmental harm that the operator caused which occurred before the effective date but did not result from “conduct” occurring after the effective date? The title’s reference only to “operations” and failure to address what “conduct” is results in a misleading and unclear title.

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 #313¹

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

A change to the Colorado Revised Statutes holding any oil and gas operator, owner, or producer strictly liable for any damages, including personal injury, property damage, or environmental harm, resulting from their oil and gas operations without regard to fault, negligence, or intent.

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

Shall there be a change to the Colorado Revised Statutes holding any oil and gas operator, owner, or producer strictly liable for any damages, including personal injury, property damage, or environmental harm, resulting from their oil and gas operations without regard to fault, negligence, or intent?

Hearing April 15, 2026:

Single subject approved; draft title changed; titles set.

Board members: Christy Chase, Theresa Conley, Kurt Morrison

Hearing adjourned 11:58 A.M.

¹ 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 #313¹

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

A change to the Colorado Revised Statutes holding any oil and gas operator, owner, or producer strictly liable for any damages, including personal injury, property damage, or environmental harm, resulting from their oil and gas operations without regard to fault, negligence, or intent.

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

Shall there be a change to the Colorado Revised Statutes holding any oil and gas operator, owner, or producer strictly liable for any damages, including personal injury, property damage, or environmental harm, resulting from their oil and gas operations without regard to fault, negligence, or intent?

Hearing April 15, 2026:

Single subject approved; draft title changed; titles set.

Board members: Christy Chase, Theresa Conley, Kurt Morrison

Hearing adjourned 11:58 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 12:42 P.M.

¹ 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 #313 Final Clean

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

SECTION 1. In Colorado Revised Statutes, **add** 34-60-114.1 as follows:

34-60-114.1. Strict liability for damages caused by oil and gas operations – short title – purposes and findings – definition. (1) **Short title.** THE SHORT TITLE OF THIS SECTION IS THE “COLORADO OIL AND GAS OPERATIONS PUBLIC HEALTH AND SAFETY ACT”.

(2) **Purposes and findings.** THE PEOPLE OF THE STATE OF COLORADO HEREBY FIND AND DECLARE THAT:

(a) THE PURPOSE OF THIS SECTION IS TO ENSURE THE PROTECTION OF PUBLIC HEALTH, SAFETY, PROPERTY, WILDLIFE, AND THE ENVIRONMENT BY ESTABLISHING STRICT LIABILITY FOR DAMAGES CAUSED BY OIL AND GAS OPERATIONS IN THE STATE OF COLORADO, INCLUDING EMISSIONS OF HARMFUL AIR POLLUTANTS, HARM TO WILDLIFE OR HABITAT, SPILLS OR RELEASES OF TOXIC CHEMICALS, FIRES, EXPLOSIONS, OR EARTHQUAKES; AND

(b) IT IS NECESSARY TO HOLD ANY OPERATOR, OWNER, OR PRODUCER ACCOUNTABLE FOR ANY HARM CAUSED TO PUBLIC HEALTH, SAFETY, PROPERTY, WILDLIFE, OR THE ENVIRONMENT BY OIL AND GAS OPERATIONS.

(3) **Definition.** AS USED IN THIS SECTION, UNLESS CONTEXT OTHERWISE REQUIRES, “STRICT LIABILITY” MEANS LIABILITY WITHOUT REGARD TO FAULT, NEGLIGENCE, OR INTENT.

(4) **Strict liability for damages.** NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, STRICT LIABILITY APPLIES TO ANY OPERATOR, OWNER, OR PRODUCER FOR ANY DAMAGES, INCLUDING PERSONAL INJURY, PROPERTY DAMAGE, AND ENVIRONMENTAL HARM, RESULTING FROM THEIR OIL AND GAS OPERATIONS.

SECTION 2. Applicability. This Act applies to conduct occurring 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

Measure: Initiative 313 – LIABILITY FOR OIL AND GAS OPERATIONS

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

Date: April 10, 2026

Fiscal Summary of Initiative 313

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. 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 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

If 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. The measure could also improve public health and increase property values in areas affected by oil and gas operations if operators are held liable and required to pay for damages to property or the environment.