

SUPREME COURT, STATE OF COLORADO 2 East 14th Avenue Denver, Colorado 80203	DATE FILED May 8, 2026 3:52 PM
Original Proceeding Pursuant to Colo. Rev. Stat. §1-40-107(2) Appeal from the Ballot Title Board	
In the Matter of the Title, Ballot Title, and Submission Clause for Proposed Initiative 2025- 2026 #313 Petitioners: LYNN GRANGER AND CARLY WEST v. Respondents: SIDRA AGHABABIAN AND JESSICA ARHONTOULIS and Title Board: THERESA CONLEY; KURT MORRISON; and CHRISTY CHASE	▲ COURT USE ONLY ▲
<i>Attorneys for Respondents</i> Martha M. Tierney, No. 27521 Tierney Lawrence Stiles LLC 225 E.16 th Ave, Suite 350 Denver, CO 80203 Phone: (303) 356-4870 E-mail: mtierney@tls.legal	Case No.: 2026SA155
<p style="text-align: center;">OPENING BRIEF OF RESPONDENTS SIDRA AGHABABIAN AND JESSICA ARHONTOULIS IN SUPPORT OF PROPOSED INITIATIVE 2025-2026 #313</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, the undersigned certifies that:

The brief complies with the applicable word limits set forth in C.A.R. 28(g) because it contains 1,867 words.

The brief complies with the standard of review requirements set forth in C.A.R. 28(a)(7)(A), because it contains under a separate heading before the discussion of the issue, as applicable, 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 and C.A.R. 32.

By: /s/ Martha M. Tierney

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Respondents Sidra Aghababian and Jessica Arhontoulis, designated representatives of the proponents of Proposed Initiative 2025-2026 #313 (the “Proposed Initiative”), through undersigned counsel, respectfully submit their Opening Brief as follows:

STATEMENT OF THE ISSUES PRESENTED FOR REVIEW

The issues presented for review appear to be the following:

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.

Whether the Title Board erred by adopting a title for Initiative #313 that misleads voters and fails to accurately describe the measure.

See Petition, p.4.

STATEMENT OF THE CASE AND FACTS

Respondents Sidra Aghababian and Jessica Arhontoulis are the designated representatives of the proponents of the Proposed Initiative (“Proponents”).

Proponents submitted their Proposed Initiative to the Title Board for the setting of a title and submission clause pursuant to § 1-40-106, C.R.S., on April 2, 2026. *See Record*, p. 9.

The Title Board held a hearing on April 15, 2026, where it determined that the Proposed Initiative contained a single subject pursuant to Colo. Const. art. V, §1(5.5) and § 1-40-106.5, C.R.S., and set a title. *Record*, p. 7. Petitioners Lynn Granger and Carly West filed a Motion for Rehearing contending that the Title Board lacked jurisdiction to set a title because the measure is unclear and confusing, and that the title as set by the Title Board was misleading. *Record*, pp. 2-6. The Title Board held a rehearing on April 23, 2026, and denied the Motion for Rehearing in its entirety. *Record*, p. 8. The title set by the Title 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?

Record, p.8. Petitioners timely filed a Petition for Review of the actions of the Title Board with this Court.

SUMMARY OF THE ARGUMENT

The Title Board properly exercised its broad discretion in setting title on the Proposed Initiative.

Petitioners claim that the Title Board lacked jurisdiction to set a title because the measure is vague, confusing, and unclear. The Petitioners do not cite any

authority that supports this jurisdiction argument, and Proponents are not aware of any. The Title Board properly found that the Proposed Initiative contains a single subject and that it had jurisdiction to set a title.

Petitioners' clear title objections also lack merit. Petitioners contend that the title must make clear that the measure applies only to conduct or contracts entered into after the effective date of the measure; seek to move the words "without regard to fault, negligence, or intent" to a different location in the title; and wish to add a definition of what the word "conduct" means in the applicability clause. The Title Board properly rejected each of these clear title arguments.

The Title Board is only obligated to fairly summarize the central points of a proposed measure and need not refer to every nuance and feature of the proposed measure. While a title must be fair, clear, accurate and complete, it is not required to set out every detail of an initiative. Accordingly, there is no basis to set aside the Title, and the decision of the Title Board should be affirmed.

ARGUMENT

I. The Title Board Had Jurisdiction to Set a Title.

A. Standard of Review and Preservation.

The Title Board is vested with considerable discretion in setting the title, ballot title and submission clause, and summary. *In re Title, Ballot Title &*

Submission Clause, and Summary Pertaining to the Campaign and Political Finance Initiative, etc., 830 P.2d 954, 954 (Colo. 1992). The Court does “not address the merits of the proposed initiative” or “suggest how it might be applied if enacted.” *In re Title, Ballot Title, & Submission Clause for 2019-2020 #3*, 2019 CO 57, ¶ 8. Nor can the Court “determine the initiative’s efficacy, construction, or future application, as these are matters properly considered if and after the voters approve the initiative.” *In re Title, Ballot Title, & Submission Clause for 2015-2016 #63*, 2016 CO 34, ¶ 7. Instead, the Court “must examine the initiative’s wording to determine whether it comports with the constitutional single-subject requirement.” *In re 2019-2020 #3*, 2019 CO 57, ¶ 8.

Proponents do not contest the Petitioners’ preservation of the argument enumerated above, though they defer to the Petitioners to specify the precise location(s) in the record where each issue they wish to address here was raised and addressed before the Title Board.

B. The Petitioners’ Jurisdiction Argument Is Improper.

Petitioners next assert that the Title Board lacks jurisdiction to set a tile because the measure is “so vague, confusing, and unclear that it cannot be understood.” *Petition*, p. 4. In their Motion for Rehearing, Petitioners cited one case in support of this argument, but that case does not stand for the proposition

that the Title Board lacks jurisdiction to set a title if the measure is vague, confusing, or unclear. *See In re Title, Ballot Title and Submission Clause for 2015-2016 #73*, 2016 CO 24 (Colo. 2016). Rather, the Petitioners cite to language in *In re 2015-2016 #73* that is describing the single subject and clear title requirements, and this Court, in that case, found that the initiative at issue did indeed have a single subject but lacked a clear title. *Id. at* ¶¶ 8, 16.

Generally, aside from procedural issues such as making substantial changes to initiative language without resubmitting the initiative for a new Review and Comment hearing, *see* §1-40-105(2) C.R.S., *In re Proposed Initiated Constitutional Amendment Concerning Ltd. Gaming in the Town of Idaho Springs*, 830 P.2d 963, 964 (Colo. 1992), or failing to have both designated representatives present at a Review and Comment meeting or Title Board hearing, *see* §1-40-105(1.5), §1-40-106(4)(a), C.R.S., the only substantive reason the Title Board lacks jurisdiction to set a title is when the measure violates the single subject requirement. *See In re Title, Ballot Title & Submission Clause for Proposed Initiative 2001-2002 # 43*, 46 P.3d 438, 449 (Colo. 2002) (affirming Title Board's determination that it lacked jurisdiction to set title because the proposed initiative contained more than one subject).

To the extent that Petitioners assert that this argument is really about a misleading title, for all the reasons set forth below in Section II, those arguments fail. The Title Board had jurisdiction to set the title for the Proposed Initiative.

II. The Title Set by the Title Board Is Not Misleading.

A. Standard of review and preservation.

“The Title Board’s duty in setting a title is to summarize the central features of a proposed initiative.” *In re Title, Ballot Title, & Submission Clause for 2013-2014 #90*, 2014 CO 63, ¶ 24. The Title Board is “afforded discretion in resolving interrelated problems of length, complexity, and clarity in designating a title and ballot title and submission clause.” *In re 2015-2016 #73*, 2016 CO 24, ¶ 23. The Title Board is required to summarize the central features of a proposed initiative fairly, but it “need not explain the meaning or potential effects of the proposed initiative on the current statutory scheme.” *Id.* Nor must a title recite every detail of the proposed measure. *In re Title, Ballot Title, & Submission Clause for 2001-2002 #21 & #22*, 44 P.3d 213, 222 (Colo. 2002). The Court will reverse the title set by the Board “only if a title is insufficient, unfair, or misleading.” *Id.* ¶ 8. The Court does not “consider whether the Title Board set the best possible title.” *In re 2019-2020 #3*, 2019 CO 107, ¶ 17.

Respondents agree that Petitioners preserved their challenge to the title set by the Board.

B. The Title Properly Informs Voters of the Key Features of the Proposed Initiative.

Petitioners do not specify in their *Petition* how the title is flawed, but in their *Motion for Rehearing*, Petitioners argued that the title is misleading because it “(a) does not make clear that the measure applies only to conduct or contracts entered into after the effective date of the measure; (b) places the words “without regard to fault, negligence, or intent” in a misleading location; and (c) fails to define what the word “conduct” means in the applicability clause. *Record*, p. 3.

The Title Board considered Petitioner’s concerns in these regards but rejected the request to make changes to the title on these grounds. *Record*, p. 8.

First, laws are presumed to have a prospective effect unless a contrary intent is expressed in the language. *See Riley v. People*, 828 P.2d 254, 257 (Colo. 1992). The Title Board considered Petitioners’ argument to amend the title to clarify that the measure only applies to conduct or contracts entered into after the effective date during the rehearing on April 23, 2026, and determined that it was not necessary to include in the title. *Record*, p. 8. Titles are intended to be a "relatively brief and plain statement by the Board setting forth the central features of the initiative for the voters," rather than "an item-by-item paraphrase of the proposed

constitutional amendment or statutory provision." *In re Title, Ballot Title and Submission Clause for 1997-1998* # 62, 961 P.2d 1077, 1083 (Colo. 1998).

Second, the Title Board determined that moving the words “without regard to fault, negligence, or intent” was unnecessary, and that the title was clear as written.

Third, the Title Board declined to make changes to the title in response to Petitioners’ concerns that the applicability clause in the Proposed Initiative, which states that “[t]his Act applies to conduct occurring on or after the effective date of this measure”, is ambiguous. “A perfect title is not necessary, but the Title Board must, in the process of setting a title, consider the public confusion that might be caused by misleading titles, avoid titles for which the general understanding of the effect of a 'yes/for' or 'no/against' vote will be unclear, and correctly and fairly express the true intent and meaning of the initiative in the title. *In re Title, Ballot Title and Submission Clause for 2015-2016* #156, 2016 CO 56, ¶ 10 (internal citations omitted).

The Title Board exercised its discretion to craft a title that seeks to avoid “public confusion,” is “brief” and “unambiguously states the principle of the provision sought to be added, amended, or repealed.” §1-40-106(3)(b), C.R.S. “While titles must be fair, clear, accurate and complete, the Title Board is not

required to set out every detail of an initiative.” *In re Title, Ballot Title, & Submission Clause for 2007-2008 #62*, 184 P.3d 52, 60 (Colo. 2008). This Court should defer to the Title Board’s discretion. *In re Title, Ballot Title, & Submission Clause for 1999-2000 #256*, 12 P.3d 246, 255 (Colo. 2000) (“In reviewing the actions of the Board, we grant great deference to the board’s broad discretion in the exercise of its drafting authority.”)

CONCLUSION

The Proponents respectfully request the Court to uphold the actions of the Title Board regarding Proposed Initiative 2025-2026 #313.

Respectfully submitted this 8th day of May, 2026.

/s/ Martha M. Tierney
Martha M. Tierney, No. 27521
TIERNEY LAWRENCE STILES LLC
225 E. 16th Avenue, Suite 350
Denver, CO 80203
(303) 356-4870
mtierney@tls.legal

*Attorneys for Respondents Sidra
Aghababian and Jessica Arhontoulis*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **OPENING BRIEF OF RESPONDENTS SIDRA AGHABABIAN AND JESSICA ARHONTOULIS IN SUPPORT OF PROPOSED INITIATIVE 2025-2026 #313** was electronically served via e-mail or via the Colorado Courts E-Filing System on the 8th day of May, 2026 to the following:

Jason R. Dunn
David B. Meschke
Reilly E. Meyer
Brownstein Hyatt Farber Schreck LLP
675 15th Street, Suite 2900
Denver, Colorado 80202
jdunn@bhfs.com;
dmeschke@bhfs.com;
rmeyer@bhfs.com
*Attorneys for Petitioners Lynn Granger and
Carly West*

Emily Buckley
Public Officials Unit, State Services
Colorado Attorney General's Office
1300 Broadway, 6th Floor
Denver, CO 80238
Emily.Buckley@coag.gov
Counsel for the Colorado Title Setting Board

/s/ Martha M. Tierney