

<p>SUPREME COURT, STATE OF COLORADO 2 East 14th Avenue Denver, CO 80203</p>	
<p>Original Proceeding Pursuant to C.R.S. § 1-40-102(2) Appeal from the Ballot Title Board</p>	<p><u>DATE FILED</u> May 15, 2026 8:48 AM</p>
<p>In the Matter of the Ballot Title of Proposed Initiative 2025-2026 #328</p> <p>JACK BRACKNEY and ROBYN CARNES, Petitioners,</p> <p>v.</p> <p>COLORADO BALLOT TITLE SETTING BOARD: Michael Dohr, Theresa Conley, and Kurt Morrison Respondents.</p>	<p>▲ COURT USE ONLY ▲</p>
<p><i>Attorneys for Petitioners:</i> Scott E. Gessler (28944) Geoffrey N. Blue (32684) Gessler Blue LLC 7350 E. Progress Place, Suite 100 Greenwood Village, CO 80111 Tel. (720) 839-6637 or (303) 906-1050</p>	<p>Case Number: 2026SA157</p>
<p align="center">PETITIONERS' ANSWER 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).

X It contains 357 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).

X 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.

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/Scott E. Gessler
Scott E. Gessler

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I. SUMMARY OF ARGUMENT

The Petitioners properly preserved their arguments before this Court. This Court should make a single subject determination that treats Proposed Initiatives #242 and #328 the same. After reviewing all briefings, Petitioners believe that neither #242 nor #328 present a single subject, because Proponents should not be able to link disparate subjects by amending constitutional requirements for passage of an initiative.

II. ARGUMENT

A. The Petitioners properly preserved their single subject challenge.

The Title Board agrees that Petitioners properly preserved their arguments.¹ But the *Brief of Amicus Curiae Curtis Hubbard in Support of Respondents* argues that the Petitioners “waived” their single subject challenge because Petitioners’ single subject argument before the Title Board was “skeletal in nature.”² To be sure, the *Amicus Curiae* is dissatisfied with the apparent quality of Petitioners’ argument before the Title Board. But the Petitioners’ apparent failure to meet the *Amicus Curiae*’s standards for detail, vigor, and eloquence does not constitute a waiver. And the *Amicus Curiae* provides no legal authority for its argument, and accordingly its contention is without merit.

¹ *Title Board’s Opening Brief* at 9.

² *Amicus Brief* at 2.

CERTIFICATE OF SERVICE

I hereby certify that on May 15, 2026, I electronically filed the foregoing with the Clerk of the Court using the CCES system, which notified all parties and their counsel of record.

By: *s/ Joanna Bila*
Joanna Bila, Paralegal