SUPREME COURT, STATE OF COLORADO **2 East 14th Avenue** **Denver, Colorado 80203**	DATE FILED May 15, 2026 4:00 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 #310 **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▲
Attorneys for Respondents Martha M. Tierney, No. 27521 Tierney Lawrence Stiles LLC 225 E.16th Ave, Suite 350 Denver, CO 80203 Phone: (303) 356-4870 E-mail: mtierney@tls.legal	Case No.: 2026SA150

ANSWER BRIEF OF RESPONDENTS SIDRA AGHABABIAN AND JESSICA ARHONTOULIS IN SUPPORT OF PROPOSED INITIATIVE 2025-2026 #310

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 1,107 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 #310 (the "Proposed Initiative"), through undersigned counsel, respectfully submit their Answer Brief as follows:

ARGUMENT

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

A. The Changes that Proponents Made to the Proposed Initiative Were Minor Changes That Did Not Substantially Alter the Proposed Initiative.

Proponents made minor changes to the Proposed Initiative after the Review and Comment meeting that were compliant with statutory requirements.

As discussed in Respondents' Opening Brief, the Review and Comment memo and discussion during the Review and Comment hearing for Proposed Initiative #310, make clear that the Legislative Offices alerted the Proponents that by placing the Proposed Initiative in section 11 of Colo. Const., art. II, it might violate Article 1, Section 10 of the U.S. Constitution prohibiting any ex post facto Law, or Law impairing the Obligation of Contracts, and that the amendments to the Proposed Initiative were in direct response to such comments and discussion. *See Respondents' Op. Brief,* pp. 4-8.

When this Court applies the statutory requirements to the Proposed Initiative, it is clear that the changes made to the Proposed Initiative after the Review and Comment hearing were in direct response to the comments and discussion at the Review and Comment hearing, and do not constitute a substantial alteration of the intent and meaning of the Proposed Initiative. *See In re Title, Ballot Title & Submission Clause, & Summary for 1999-00 #256*, 12 P.3d 246, 251–53 (Colo. 2000).

B. Proponents Complied with the Statute and Were Not Required to Resubmit the Proposed Initiative for a New Review and Comment Hearing.

As explained in Proponents' Opening Brief, Petitioners' reliance upon *In re Proposed Initiated Constitutional Amendment Concerning Ltd. Gaming in the Town of Idaho Springs,* 830 P.2d 963 (Colo. 1992), is unpersuasive because the facts in that case make clear that the proponents made substantial changes to their initiative after the Review and Comment meeting. *See Respondents' Op. Brief,* pp. 7-9. Additionally, in *Town of Idaho Springs*, this Court was evaluating the issue under a previous version of the statute that was subsequently amended to state:

> [I]f any substantial amendment is made to the petition, other than an amendment in direct response to the comments of the directors of the legislative council and the office of legislative legal services, the amended petition must be resubmitted to the directors for comment in accordance with subsection (1) of this section . . ..

§1-40-105(2), C.R.S. The revised statute has since been followed by this Court. *See In re 1999-2000 #256*, 12 P.3d at 251–53 (concluding without further inquiry that changes made in response to comments did not require resubmission).

In their Opening Brief, Petitioners also contend that adding the language "successors in interest" was not responsive to the comments or discussion at the Review and Comment hearing. *Petitioners Op. Brief*, pp. 17-18. Petitioners' own argument belies this statement because they admit that at the Review and Comment hearing, there was substantial discussion about not applying the measure retrospectively and instead only applying it prospectively to owners and producers after the effective date of the measure. *Id.* The addition of the "successors in interest" language is consistent with that discussion. *See in re 1999-2000 #256*, 12 P.3d at 251-53.

Proponents followed the statute and the Title Board had jurisdiction to set a title.

II. The Title Board Set a Clear Title.

Petitioners argue that the title contains three flaws in their Opening Brief: (1) that the title does not indicate that the measure applies only to conduct or contracts entered into after the effective date to the measure; (2) that the measure does not use the words "successor in interest"; and (3) that the title must describe what joint

and several liability means. *Petitioners' Op. Brief*, pp. 20-21. As described above, the Proposed Initiative will become effective on and after the date of the official declaration of the vote and proclamation of the governor. Colo. Const. art V, §1(4)(a). 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 "successors in interest" is a legal term of art with which most voters will be unfamiliar. The Title Board chose to use "subsequent owners" as plain language to describe the measure in a way that most voters will understand.

Finally, the Title Board determined that on balance, most voters will be familiar with the phrase "jointly and severally liable" and there was not a succinct way to describe those terms in plain language. "The proponents of an initiative bear the ultimate responsibility for formulating a clear and understandable proposal

for the voters to consider." *In re Title, Ballot Title, & Submission Clause for 2007-2008 #62*, 184 P.3d 52, 57 (quotation omitted). "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 2007-2008 #62*, 184 P.3d at 60. This Court should defer to the Title Board's discretion. *In re 1999-2000 #256*, 12 P.3d at 255 ("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 #310.

Respectfully submitted this 15th day of May, 2026.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **ANSWER BRIEF OF RESPONDENTS SIDRA AGHABABIAN AND JESSICA ARHONTOULIS IN SUPPORT OF PROPOSED INITIATIVE 2025-2026 #310** was electronically served via e-mail or via the Colorado Courts E-Filing System on the 15th day of May, 2026 to the following:

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