

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 #311 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.: 2026SA154
<p style="text-align: center;">ANSWER BRIEF OF RESPONDENTS SIDRA AGHABABIAN AND JESSICA ARHONTOULIS IN SUPPORT OF PROPOSED INITIATIVE 2025-2026 #311</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 927 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 Correctly Determined that the Proposed Initiative Contains a Single Subject.

Petitioners assert in their Opening Brief that Initiative #311 violates the single subject because it “contains a new remediation requirement coiled up in its folds.” *Petitioners’ Op. Brief*, pp. 9-10. Second, Petitioners argue that the measure violates the single subject requirement because it “improperly combines two aspects with different temporal elements: (1) providing for damages for conduct that has transpired (backward-looking) and (2) requiring restoration (forward-looking).” *Petitioners’ Op. Brief*, pp. 11-12. Proponents explained at length in their Opening Brief why this court should reject these arguments. *See Respondents’ Op. Brief*, pp. 7-9.

The single subject of the measure is “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.” *Record*, p. 11. The groundwater remediation requirement is plainly spelled out in

the Proposed Initiative where it states that oil and gas operators will be held jointly and severally liable for “[r]emediation of the underground source of drinking water to restore it to its pre-damage condition.” *Record*, p. 13, ¶ 4(a). The Title Board also included language in the title to alert voters that the measure “hold[s] operators and waste injectors liable for all costs to restore the drinking water source[.]” *Record*, p. 11. Petitioners’ argument is about the effects of the measure. “[T]he effects this measure could have on Colorado law if adopted by voters are irrelevant to [the Court’s] review of whether the proposed initiative and its Titles contain a single subject.” *In re Title, Ballot Title & Submission Clause for 2013-2014 #90*, 2014 CO 63, ¶ 17 (internal citations omitted).

Similarly, Petitioners’ second argument is without merit. The fact that an initiative may have different temporal elements is not a single subject violation. All of the Proposed Initiative’s provisions necessarily and properly relate to imposing joint and several liability on oil and gas operators liable for damages they cause to underground drinking water sources. *Id.*, 2014 CO 63, ¶ 11.

Petitioners’ single subject arguments boil down to disliking the policy choice that Proponents made with the Proposed Initiative. This Court has been consistent in holding that when considering whether an initiative comports with the single subject requirement, the Court does “not address the merits of the proposed

initiative or predict how it may be applied if adopted by the electorate. Whether a proposed initiative is a “bad idea” is not the test of whether it meets the single subject requirement.” *Id.*, 2014 CO 63, ¶ 21.

II. The Petitioners’ Jurisdiction Argument Lacks Merit.

Petitioners contend that the Title Board lacks jurisdiction to set a title because the “measure’s enforcement mechanism is vague, confusing, and unclear.” *Petitioners’ Op. Brief*, pp. 13-17. Like in their Motion for Rehearing, in their Opening Brief Petitioners cite just one case to support 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). Petitioners cite to language in #73 that describes the single subject and clear title requirements, but the case contains nothing about rejecting jurisdiction to set a title because a measure is vague, confusing, or unclear. 2016 CO 24, ¶¶ 8, 16. Notably, the Title Board had no trouble understanding the Proposed Initiative and setting a title. *See Record*, pp. 10-11. This Court should reject Petitioners’ jurisdiction argument.

III. The Title Board Set a Clear Title.

Petitioners argue that the title is flawed for a long list of reasons, none of which render the title “insufficient, unfair, or misleading.” *In re Title, Ballot Title*

and Submission Clause for 2015-2016 #156, 2016 CO 56, ¶ 8. Proponents explained in their Opening Brief how each of the reasons Petitioners assert for clear title violations should be rejected. *See Respondents' Op. Brief*, pp. 11-15. Petitioners make no new objections in their Opening Brief. The Title Board considered each of the clear title arguments raised by Petitioners during the rehearing on April 23, 2026, and rejected each one in turn. *See Record*, p. 11.

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).

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 #311.

Respectfully submitted this 15^h 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 #311** 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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