

<p>SUPREME COURT OF COLORADO 2 East 14th Ave. Denver, CO 80203</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>Original Proceeding Pursuant to Colo. Rev. Stat. § 1-40-107(2) Appeal from the Ballot Title Board</p>	
<p>In the Matter of Title, Ballot Title, and Submission Clause for Proposed Initiative 2023- 2024 #44 (Discontinue Issuance of New Oil and Gas Permits)</p> <p>Petitioner: Steven Ward</p> <p>v.</p> <p>Respondents: Paul Culnan and Patricia Nelson</p> <p>and</p> <p>Title Board: Theresa Conley, Kurt Morrison, and Jerry Barry</p>	
<p>Attorney for Petitioner: Suzanne M. Taheri, #23411 WEST GROUP LAW & POLICY 6501 E. Belleview Ave, Suite 375 Englewood, CO 80111 Phone Number: (303) 263-0844 Email: st@westglp.com</p>	<p>Case Number: 23SA135</p>
<p style="text-align: center;">PETITION FOR REVIEW OF FINAL ACTION OF BALLOT TITLE SETTING BOARD CONCERNING PROPOSED INITIATIVE 2023-2024 #44 (“DISCONTINUANCE OF NEW OIL AND GAS PERMITS”)</p>	

On behalf of Steven Ward, a registered elector of the State of Colorado, the undersigned counsel hereby respectfully petitions this Court to review the actions of the Ballot Title Setting Board with respect to Proposed Initiative 2023-2024 #44 – Discontinuance of New Oil and Gas Permits, pursuant to Section 1-40-107, C.R.S.

STATEMENT OF THE CASE

A. Procedural History of Proposed Initiative 2023-2024 #44

Paul Culnan and Patricia Nelson (hereafter “Proponents”) proposed Initiative 2023-2024 #44 (the “Proposed Initiative”). Proponents submitted their Proposed initiative to the Title Board for setting of a title and submission clause pursuant to § 1-40-106, C.R.S.

The Title Board held a hearing on May 3, 2023, where it was determined that the Proposed Initiative contained a single subject as required by Colo. Const. art. V, §1(5.5) and § 1-40-106.5, C.R.S., and set a title. On May 10, 2023, Petitioners filed a Motion for Rehearing stating that the Proposed Initiative does not constitute a single subject and that the Title Board set misleading titles and included a catch phrase on the ballot title.

The Title Board held a rehearing on May 17, 2023, at which time the Board denied the single subject argument. The Board granted the Motion for Rehearing

only to the extent that the Board made changes to the title. The one change the Board made at the rehearing was removal of the catchphrase, “in order to protect land, air, and water,” from the title.

B. Jurisdiction

Petitioners are timely requesting a review of the actions of the Title Board by the Supreme Court pursuant to § 1-40-107(2), C.R.S.

As required by § 1-40-107(2), C.R.S., attached to this Petition for Review are certified copies of the final copy of the Proposed Initiative as submitted to the Title Board, the determination by the Title Board at its initial hearing on the Proposed Initiative, the initial Fiscal Summary for the Proposed Initiative prepared by the Director of Research of the Legislative Council of the General Assembly, the Motions for Rehearing; and the determination by the Title Board to deny the Motions for Rehearing.

GROUND FOR REVIEW

Petitioners respectfully submit that the Title Board erred in its determination with respect to the single subject and clear title requirements in Colo. Const. art. V, §1(5.5), and §§1-40-106 and 1-40-106.5, C.R.S. As outlined in the Motion for Rehearing, the Proposed Initiative contains multiple subjects and despite the

removal of the catchphrase from the title, the title still fails to describe the purpose and effects of the Proposed Initiative fairly or accurately.

PRAYER FOR RELIEF

Petitioners respectfully request that, after consideration of the parties' briefs, this Court reverse the determination of the Title Board and direct the Title Board to reject title setting for the Proposed Initiative because it contains more than one subject or otherwise direct the Title Board to correct the title to address the deficiencies outlined in the Petitioners' briefs.

Dated: May 24, 2023

Respectfully submitted,

s/Suzanne Taheri
Suzanne Taheri #23411
WEST GROUP LAW & POLICY
6501 E. Belleview Ave., Suite 375
Englewood, CO 80111
Phone: (303) 218-7150
st@westglp.com
Attorney for Petitioner Steven Ward

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of May, 2023, a true and correct copy of the **PETITION FOR REVIEW OF FINAL ACTION OF BALLOT TITLE SETTING BOARD CONCERNING PROPOSED INITIATIVE 2023-2024 #44 (“DISCONTINUANCE OF NEW OIL AND GAS PERMITS”)** was served via the Colorado Court’s E-Filing System to the following:

Martha Tierney
c/o Tierney Lawrence Stiles LLC
225 E. 16th Avenue, Suite 350
Denver, CO 80203
mtierney@TLS.legal
Counsel for Proponents

Mark Grueskin
Recht Kornfeld, P.C.
1600 Stout Street, Suite 1400
Denver, CO 80202
Phone: 303-573-1900
Email: mark@rklawpc.com
Counsel for Objector Timothy E. Foster

Michael Kotlarczyk
Assistant Attorney General
Public Officials Unit
Colorado Attorney General’s Office
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 6th Floor
Denver, Colorado 80203
mike.kotlarczyk@coag.gov
Counsel for Title Board

/s/ Suzanne Taheri

Suzanne Taheri

Duly signed original on file at West Group