

COLORADO TITLE SETTING BOARD

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Steven Ward, Objector

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**MOTION FOR REHEARING ON INITIATIVE 2025-2026 #35**

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Steven Ward, registered elector of the State of Colorado, through counsel Suzanne Taheri, objects to the Title Board's finding that Initiative 2025-2026 # 35 ("Initiative #35") constitutes a single subject and submits this Motion for Rehearing. Additionally, Ward challenges the title as set by the Title Board because the title is unclear and does not properly inform electors of the initiative's consequences.

On April 2, 2025, the Title Board set the following ballot title and submission clause for Initiative #35:

"A change to the Colorado Revised Statutes concerning the presence of wolves in Colorado, and, in connection therewith, ending the reintroduction of gray wolves by December 31, 2026; removing "nongame" from the definition of gray wolf; including livestock guard and herding animals as livestock for the purposes of compensation for losses caused by a gray wolf; and prohibiting the importation of wolves into Colorado."

As demonstrated below, Initiative #35 violates the Colorado Constitution and conflicts with established legal precedent related to single subject and clear title. The Board lacks jurisdiction to set title as the measure contains multiple subjects. Objectors additionally assert the title is not clear and is misleading because it omits important features of Initiative #35.

**A. The Initiative Impermissibly Contains Separate and Distinct Subject in Violation of the Single Subject Requirement.**

Initiative #35 purports to have a single subject, "End gray wolf reintroduction and prohibit the importation of wolves from out-of-state." *See Unamended Final Text*. However, this headline is a clear logrolling attempt to combine four subjects under this heading. It takes a proposal voters might favor and combines it with those they would otherwise not support, to achieve passage. *See In re Proposed Initiative for 2005-2006 #55*, 138 P.3d 273, 282 (Colo. 2006).

The proponent's intent to logroll is evident in the fact that wolf reintroduction will be complete by December 31, 2026, the effective date of the initiative. Under the "Colorado Wolf Restoration and Management Plan" wolf reintroduction occurs in three phases over a 3-5 year time frame. *See attached Exhibit 1, Chapter 3, p. 20*. Phase 1 and 2 have been completed. If there is a phase 3 release it will have occurred before the effective date of the measure. Initiative #35 therefore operates to do nothing related to reintroduction. Moreover, even if this first subject was

operational, the other three subjects contained in the initiative are disconnected from ending wolf reintroduction.

The second subject in the initiative removes the “nongame” status of gray wolves, thus revoking numerous protections and reporting requirements fomented in the rules of the Department of Parks and Wildlife. As written, the initiative replaces “nongame” status with “wildlife” status. This change creates a nebulous situation relative to the protections and allowances associated with the gray wolf. The measure bans the importation of [all] wolves into Colorado from out of state except for captive scientific, zoological, or educational purposes recognized under current Colorado law. Notably, the use of the sole term “wolves” rather than the term “gray wolves” used throughout the remainder of the wolf reintroduction statute could extend the import ban beyond just the gray wolf.

Moreover, if the single subject is ending the importation of gray wolves, there is no connected reason to redefine something that will no longer be imported.

The third subject of the initiative is redefining “livestock” to include livestock guard or herding animals.

While the compensation of livestock owners for wolf kills may have been necessarily and properly related to the reintroduction of gray wolves in Colorado, the expansion of kill compensation to livestock guard or herding animals is not necessarily or properly connected to the ending of gray wolf reintroduction proposed to occur on December 31, 2026.

While a repeal of initiatives that contain multiple subjects may be permitted, this only applies to initiatives that *only* seek to repeal. *Hedges v. Schler (In re Title, Ballot Title & Submission Clause for 2019-2020 #3)*, 2019 CO 57, ¶ 38, 442 P.3d 867, 873. In rendering its decision in *Hedges*, the Court further opined on the single subject requirement, stating, “The breadth of the initiative’s objective, however, is not without limits. *Id.* Thus, ‘[a] proponent’s attempt to characterize an initiative under some general theme will not save the initiative from violating the single-subject rule if the initiative contains multiple subjects.’” *Hedges v. Schler (In re Title, Ballot Title & Submission Clause for 2019-2020 #3)*, 2019 CO 57, ¶ 38, 442 P.3d 867, 873, quoting *In re Title, Ballot Title & Submission Clause for 2009-2010 #91*, 235 P.3d 1071, 1076 (Colo. 2010).

The fourth subject of Initiative #35 adds a new section to Colorado law containing a prohibition of the importation of wolves from out-of-state. Unlike Section 1 of the initiative, this new Section 2 does not define the term “wolf.” This would be less of a problem if either the term “gray wolf” as defined in Section 1 of the initiative could be applied to the prohibition in Section 2 or the term “gray wolf” rather than just the single term “wolf” had been used in Section 2. However, neither case applies here. Thus, the prohibition on Section 2 could reasonably be determined to prohibit importation of *any* wolf subspecies rather than just the previously defined gray wolf.

Section 1 of the initiative states:

“(5) As used in this section, unless the context otherwise requires:

(b) “Gray wolf” means nongame wildlife of the species *canis lupus*.”

The phrase “As used in this section” is operative here. It means that the definition applies only to Section 33-2-105.8. Thus, the definition cannot be extended to the new Section 33-2-109.

Without a proper definition of “wolves,” a delineation of which subspecies of wolves are covered, or even a carveout for domestic animals contained in Section 33-2-109, the section effectively prohibits the importation of numerous animals other than just the gray wolf voters would otherwise believe and the title would indicate the initiative is restricting.

#### **B. The Title Set is Unclear and Misleading.**

The title set by the Board is unclear and misleading because it omits important features of Initiative #35. The title fails to inform voters that the initiative is merely codifying the current Colorado Wolf Restoration and Management Plan that already calls for the end of the gray wolf reintroduction by December 31, 2026. The title fails to inform voters of the removal of “nongame” status from the gray wolf which effectively voids numerous protections currently extended to the gray wolf and fails to disclose that the importation ban applies to [all] wolves, rather than just the gray wolf referenced earlier in the title.

The clear title requirement seeks to accomplish two overarching goals: prevent voter confusion and ensure that the title adequately expresses the initiative's intended purpose. If a title accomplishes these goals, the end result is that voters, "whether or not they are familiar with the subject matter of a particular proposal," should be able to "determine intelligently whether to support or oppose the proposal." *In re 2015-2016 #73*, ¶ 22, 369 P.3d at 568.

The board must consider the public confusion that might be caused by misleading titles. *Id.* The Title as set purports to end an unpopular program. But what it really does is something completely different. It modifies statutes and regulations that exist independent of discontinuing the wolf reintroduction program.

Accordingly, the Objectors respectfully request that this Motion for Rehearing be set pursuant to C.R.S. § 1-40-107(1), and Opponent’s rehearing be granted because Initiative #35 contains multiple subjects and the Title Board lacks jurisdiction to set a title or alternatively, the board set a new title to better reflect the scope and purpose of the initiative.

Respectfully submitted this 7<sup>th</sup> day of April, 2025.

/s/ Suzanne Taheri

West Group  
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