SUPREME COURT OF COLORADO 2 East 14th Avenue Denver, Colorado 80203	DATE FILED December 22, 2025 RECEIVED IN THE SUPREME COURT DEC 22 2025 OF THE STATE OF COLORADO Cheryl L. Stevens, Clerk ▲ COURT USE ONLY ▲
Original Proceeding Pursuant to Colo. Rev. Stat. §1-40-107(2) Appeal from the Title Board	
In the Matter of the Title, Ballot Title, and Submission Clause for Proposed Initiative 2025-2026 #149 ("Right to Continue Living from Conception") **Petitioners:** Tralita Faye Barnhart and Angela Eicher, **v.** **Respondent:** Kelly L. Page, **and** **Title Board:** Kurt Morrison, Kathleen Wallace, Michael Dohr.	Supreme Court Case No. 2025SA333
Attorneys for Petitioners/Proponents: Pro se/ Proponent Angela Eicher filing on behalf of petitioners Angela Eicher, PO Box 3 Brush CO 80723 970-370-3554 Angelaeicher4@gmail.com	

PETITIONERS' ANSWER BRIEF

CERTIFICATE OF COMPLIANCE

As I am not an attorney, I am not familiar with CAR 28 and CAR 32. However, I have done my best to meet the rules as far as I can ascertain. Please accept this petition which I have formatted according to the format of other Title Board appeal briefs submitted to the Colorado Supreme Court.

I hereby certify that this petition for review contains 8,284 words.

Angela Eicher

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CONTEXT

A paramedic arrived at the scene of a car accident in rural Colorado. The pregnant mother had just died and the paramedic could see her little baby moving and kicking inside struggling for oxygen to continue living. He had only a few minutes before that child would asphyxiate from a lack of oxygen. He couldn't save the child, because as a paramedic in Colorado, he does not have the authority to save a child's life who is not recognized as having a right to continue living.

A child has less rights in Colorado than an eagle's feather. Our own children, our own offspring. We ignore their feelings. We ignore their joy. We ignore their pain. We ignore their promise. We ignore their dreams, their soul, and their desire to live. We violate our own humanity by not treating the most vulnerable and youngest children among us like we ourselves would like to be treated. This amendment is intended to extend the right to continue living that each of us enjoys to all precious children from the moment they are conceived.

INTRODUCTION

Pursuant to C.R.S. § 1-40-107(2), Proponent Angela Eicher respectfully petitions this Court for review of the Title Board's decision on rehearing, issued on November 5, 2025, which reversed its initial determination that Proposed Initiative 2025-2026 #149 (the "Initiative") satisfies Colorado's single-subject requirement and refused to set title accordingly.

The Board's initial decision was correct: the Initiative advances one straightforward objective—to establish a constitutional right to continue living from the moment children are conceived—and all provisions are necessarily and properly connected to that aim. The rehearing decision, influenced by opponents' motion, improperly repackaged policy disagreements into unrecognized titling objections, relying on misread authority and speculative impacts that are immaterial at this stage.

This Court should reverse the Board's rehearing decision, reinstate the single-subject finding, and direct the Board to set the titles as originally determined. The Initiative's structure aligns with decades of this Court's single-subject jurisprudence, including cases upholding measures with broad impacts, implementation details, and incidental supersession effects. Denying review would frustrate the people's initiative power under Article V, Section 1 of the Colorado Constitution by elevating conjectural objections over settled law.

REASON FOR PETITIONING THIS COURT

The Co-Proponents filed proposed Initiative #149 with Legislative Council on September 4, 2025. Legislative Council met with the Co-Proponents prior to the Title Board to assist Proponents in making sure **the wording of the proposed amendment matched what the Proponents were intending**. Legislative Council

proposed no technical or substantive changes from the Co-Proponents' original draft.

On October 15, 2025, the Title Board granted a fair title for the proposed amendment #149. On October 25, 2025, after the state had already sent copies of the petition for the printer, the Co-Proponents received an email that there had been an appeal. The proposed amendment was reheard on November 5, 2025 where "due to technical difficulties", the hearing began more than thirty minutes late and the many members of the public who had signed up to testify remotely were not heard by Title Board, including an attorney prepared to rebut the Opponent's arguments. Based almost exclusively on the argument of the opposing attorney, Title Board reversed their original finding.

The reasoning Title Board gave at the time was that the staff member from the Secretary of State's office agreed with the Opposition that said she "could not comprehend the initiative well enough", and that the amendment had "multiple subjects" because she didn't know if the right to continue living meant that "children should be fed, housed, and provided medical care" [presumably by their parents]. When a Proponent asked her what she didn't understand, she contradicted her previous statement by saying she did understand the proposed amendment. In re. **Title Board Meeting Wednesday, November 05, 2025 9:00 A.M. at 2:04:40 and 2:08:28, respectively.)** The staff member from the Attorney General's office

objected due to "broad application" which he repackaged as "multiple subjects". The Title Board member from Legislative Council maintained that Initiative #149 meets the Single Subject rule.

It is the Proponent's position that Title Board over-stepped their narrow role to frustrate the petitioning process by Proponents, denying voters the opportunity to determine what the people of Colorado would like in their Constitution through the democratic process. The Proponents maintain that the title is clear and the original finding by Title Board to set title was correct and the appeal was unwarranted.

STATEMENT OF THE CASE

AND PROCEDURAL HISTORY

The Initiative proposes to amend the Colorado Constitution by adding a new section recognizing a right to continue living from the moment a child is conceived. Its provisions include operative definitions (specifying who or what the right protects and when it attaches), supersession language directing that the new right controls over contrary authority, and routine enforcement mechanisms to render the right judicially cognizable.

The measure, in full, states:

Be it Enacted by the People of the State of Colorado:

SECTION 1. In the constitution of the state of Colorado, **add** section 33 to Article II as follows:

Section 33. Right to be born.
CHILDREN HAVE THE RIGHT TO CONTINUE LIVING FROM THE MOMENT THEY ARE CONCEIVED.

Self-Executing. This provision shall be self-executing, shall supersede any conflicting state statutes, legislation, judgments, or constitutional provisions, and shall apply and shall take effect December 25, 2026, if approved by the vote of the people.

The proposed amendment, informally titled by the state as the "Right to Life from Conception" or "Initiative #149" was submitted by Proponents to Legislative Council on September 4, 2025. **Legislative Council made no suggestions for changes.**

Proponents Angela Eicher and Tralita Faye Barnhart filed the original text of Proposed Initiative 2025–2026 #149 with the Title Board on October 1, 2025, at 10:26 a.m. **The proposed amendment was heard and granted title on October 15, 2025.**

On October 15, 2025, after hearing argument, the Board initially found the Initiative complies with the single-subject rule under C.R.S. § 1-40-106.5 and set clear, succinct titles by a 2–1 vote (Morrison dissenting). The Board also

determined that the measure proposes a constitutional amendment and therefore the 55% voter-approval requirement applies.

The ballot title and submission clause set by the Title Board, fairly asks:

> Shall there be an amendment to the Colorado Constitution creating new law that children have the right to continue living once conceived?

Opponents filed a motion for rehearing, asserting that the Initiative violates the single-subject rule due to alleged "implied repeals," "structural changes," and broad implications across legal domains. They also claimed the titles were unclear for failing to enumerate hypothetical effects (e.g., on end-of-life care, IVF, or agency rules). Proponents opposed the motion, arguing these claims misapply the law and exceed the Board's narrow role. (See Opposition to Motion for Rehearing, incorporated herein by reference.)

On November 5, 2025, on the Opponent's Motion for Rehearing (Page), the Board granted the motion in its entirety by a 2–1 vote (Dohr dissenting), reversed its single-subject determination, and declined to set title on the ground that the measure contains multiple subjects and the Board therefore lacked jurisdiction to set title.

STANDARD OF REVIEW

This Court reviews the Board's single-subject and title-setting determinations de novo, applying the same standards the Board must follow. The single-subject inquiry asks whether all parts of the measure are "necessarily and properly connected" to one general objective, without coercing voters or hiding disparate purposes. C.R.S. § 1-40-106.5. Titles must be clear, succinct, and fairly express the measure's central features, alerting voters to its thrust without cataloging every implication or resolving ambiguities. *In re Title, Ballot Title & Submission Clause for 2009-2010 #45*, 234 P.3d 642, 648 (Colo. 2010). The Court presumes compliance and resolves doubts in favor of the proponents, guarding against undue restrictions on the initiative process. Policy debates, merits arguments, and hypotheticals are not resolved at this stage. *In re Ballot Title #3,* 2019 CO 57, 442 P.3d 867.

SUMMARY OF ARGUMENT

The proposed Initiative 2025-2026 #149 informally titled "Right to Life from Conception" has a singular purpose and Title Board therefore has jurisdiction and set title. The proposed Initiative 2025-2026 #149 does not violate the single subject rule. C.R.S. § 1-40-106.5.

The Proponents are attempting what the initiative states: to put an amendment into the Colorado Constitution that "children have the right to continue living from the moment they are conceived".

That the proposed measure supersedes conflicting laws does not create a separate subject and is "necessarily and properly connected" to one general objective. C.R.S. § 1-40-106.5

Historically, proponents of a people's initiative have not been required to include wording that would make it a state-sanctioned initiative or as the Opponents would write it. This would amount to compelled speech by those who do not want the initiative to pass.

Every election cycle the people of Colorado have the opportunity to put changes into the Colorado Constitution. The Co-Proponents are putting forward the words they would like to see in the Constitution.

This is an amendment about life for our most defenseless children from the moment they are conceived. These words are inspired by a simple concept first set forth in the United States Constitution almost 250 years ago- that innocent human beings have the right to live their lives. The Co-Proponents want children to share in that promise that each of us as adults legally enjoy.

We are defending the inalienable right of the youngest and most vulnerable children who cannot defend their own right and desire to live.

This is a clear case where Title Board was correct in their initial vote to grant title. The Board's initial decision was correct: the Initiative advances one straightforward objective—to establish a constitutional right to continue living from the moment children are conceived.

This Court should reverse the Board's rehearing decision, reinstate the single-subject finding, and direct the Board to set the titles as originally determined. The Initiative's structure aligns with decades of this Court's single-subject jurisprudence, including cases upholding measures with broad impacts, implementation details, and incidental supersession effects. Denying review would frustrate the people's initiative power under Article V, Section 1 of the Colorado Constitution by elevating conjectural objections over settled law.

RESPONSE TO TITLE BOARD'S OPENING BRIEF

The Title Board has jurisdiction to set title for Initiative 2025-2026 #149 pursuant to C.R.S. § 1-40-106.5, informally titled "Right to Life from Conception" that acknowledges the right of children to continue living from the moment they are conceived. It is a single subject with singular purpose. Any other "issues" for debate brought up by the Title Board or the Opposition as hypothetical effects or future topics for legislation were *not* brought up by the Proponents, *nor* agreed upon by the Proponents, and should *not* be a part of the argument for additional

"subjects". Policy debates, merits arguments, and hypotheticals are not resolved at this stage. *In re Ballot Title #3,* 2019 CO 57, 442 P.3d 867.

The original ballot title that the Board set was not "misleading" *In re. Title Board's Opening Brief to Colorado Supreme Court Summary,* Page 6.; rather, the title originally set by the Board represents the amendment fairly and without bias.

Whatever "broad scope" the Title Board can imagine does not negate the singular purpose, nor does it prevent setting and upholding the title it has already set. *In re Title, Ballot Title & Submission Clause for 2009-2010 #45*, 234 P.3d 642, 648 (Colo. 2010). It's important that this three-panel Board does not overstep its authority to usurp the voter and judiciary.

The "parade of follow-on rights" was a list provided by the Opponents, not the Proponents In re. *Title Board's Opening Brief to the Colorado Supreme Court, December 2, 2025*, page 4. The laundry list of imaginative applications that the legislature or judiciary could do in the future is irrelevant to setting title. In *In re Proposed Initiative 1996-6 (Public Rights in Waters III)*, 917 P.2d 1277 (Colo. 1996)

Title Board relies on the "broad scope" of the initiative to prevent setting title. All three "personhood" amendments were broad, and all three of them passed the Title Board (Amendment 2008, 2010, and 2012).

The proposed initiative does not "apply to a wide range of issues" that are creatively listed by the Opponents but which do not appear within the proposed initiative or the Proponents testimony In *re. Title Board's Opening Brief to the Colorado Supreme Court, December 2, 20225,* Page 4.

The Title Board quotes from Opposing counsel and mis-attributes random comments from the general public as having been spoken from the Proponents. In re. *Title Board Opening Brief to the Supreme Court, December 2, 2025,* page 4.

The Title Board does not reference or quote any of the actual arguments made by the Co-Proponents. *re. Rehearing Before Title Board on Proposed Initiative 2025-2026 #149* (Nov. 5, 2025) Title Board Meeting Wednesday, November 05, 2025 9:00 A.M. ("Rehearing") at 1:18:28 – 1:45:10.

The Title Board references public testimonies showing that the general public who will be voting on the measure understand the proposed law using their own words and frames of reference. *Re. Title Board Opening Brief to the Supreme Court, December 2, 2025,* page 5, footnote.

Correction to Title Board's Opening Brief to This Court

Title Board is incorrect that Initiative #149 creates a "definition of life inconsistent with … scientific principles". In re. *Title Board Opening Brief to Colorado Supreme Court, December 2, 2025*, page 4. This statement directly

contradicts testimony by the Co- Proponents who explained **from expertise in the field** (96% of embryologists agree) the already existing fact that human life begins the moment a child is conceived. By every definition of what it means to be alive and human, children from the moment they are conceived meet the biological criteria for being living human beings, and by all legal standards, innocent. Proponents also explained to Title Board how it is a theological fact according to the authoritative Word of God (The Holy Bible) that human life begins at conception, as God came to earth in the flesh at conception, an event we celebrate this time of year every year in countries around the world at Christmas.

Regardless, the amendment makes clear that it applies to children beginning when they are conceived. This gets more into the merits of the Amendment than that the measure itself complies with the single subject rule. Policy debates, merits arguments, and hypotheticals are not resolved at this stage. *In re Ballot Title #3,* 2019 CO 57, 442 P.3d 867.

The legal responsibility of Title Board is to set title. They have shirked their duty and have been unfair to voters.

The Title Board is doing exactly what it is prevented from doing *re .Opening Brief to the Colorado Supreme Court, December 2, 2025*, page 18. "In *Waters III*, this Court explained that it 'cannot speculate as to the effects th[e] Initiative may have on other constitutional provisions or statutes' 917 P.2d at 1281."

According to the argument of Title Board's Opening Brief: "Ultimately, the Title Board explained that even it was not sure what the **scope** of Initiative 149 was..." *Re. Title Board's Opening Brief to the Colorado Supreme Court, December 2, 2025*, page 5 [emphasis added]. Since the "scope" of the proposed law should not even enter into the discussion as to whether Title Board has jurisdiction to set title, it is immaterial to the setting of title if the Title Board isn't cognizant enough to comprehend the scope. The "effects th[e] measure could have on Colorado ... law if adopted by voters are irrelevant" to the single subject inquiry. *In re Title, Ballot title, & Submission Clause for 2013-2014 #90, 2014 CO 63, 11, 17.*

The Title Board oversteps their narrow role by getting into the merits and the scope of the proposed law, beyond what Title Board is tasked in being able to set title. Arguments of merit and scope have nothing to do with single subject and any arguments to that affect may be ignored as irrelevant to setting title. *In re Ballot Title #3,* 2019 CO 57, 442 P.3d 867.

Title Board admits that "In short, because the Board is unsure about Initiative 149's **scope** ... it simply did not have jurisdiction to set title." *Re. Title Board Opening Brief to the Colorado Supreme Court, December 2, 2025,* p. 26 [emphasis added]. Since the scope has no bearing on the ability of the Title Board to set title, the members' inability to know the scope is irrelevant to setting title. The law cited by Title Board does not help them *re. Title Board Opening Brief to*

the Colorado Supreme Court, December 2, 2025, Page 26. as not knowing the full "scope" of future applications has no indication on whether the Title Board understands the meaning of the measure, as the Chair admitted during the rehearing that they do understand the measure. **(Title Board Meeting Wednesday, November 05, 2025 9:00 A.M. at 2:08:28.)** It also has no relevance to Initiative #149 complying with the single-subject rule under C.R.S. § 1-40-106.5.

The Title Board's original decision to set title was the correct one. It is unfair to voters that Title Board listened primarily to the Opposition's counsel in granting the appeal. The extraneous arguments of the merits of the proposed law and potential scope of the law do not restrict Title Board from setting title. To be consistent in law and this Court's legal precedent, Initiative #149 meets the standard of single subject under C.R.S. § 1-40-106.5.

The Title Board rightfully determined title and wrongfully waivered when challenged.

RESPONSE TO OPPOSITION'S

OPENING BRIEF TO THIS COURT

"Children have the right to continue living from the moment they are conceived" contains one singular purpose, one single subject pursuant to C.R.S. § 1-40-106.5.

In *re Title, Ballot Title, & Submission Clause for 2019-2020 #3, 2019 CO 57*, this Court does "not address the merits of the proposed initiative" or "suggest how it might be applied if enacted." The issues concocted as possible applications of the single subject by the Opponents fall outside the scope of determining single subject. The "effects th[e] measure could have on Colorado … law if adopted by voters are irrelevant" to the single subject inquiry. *In re Title, Ballot title, & Submission Clause for 2013-2014 #90, 2014 CO 63, 11, 17 [bold added].*

Unless the Opponents are asserting that voters did not understand what they voted into law during the last election cycle, to say that a voter may want both the right to kill a child and a child to be protected to continue living is illogical.

This proposed amendment #149 and title is clear for voters. Written in plain, non-technical language that an average reader can understand, a "yes" vote means yes to a child's right to continue living from the moment they are conceived, and a "no" vote is clearly no.

The greatest problem with the Opponent's and Title Board's arguments is that they continue to argue and base their arguments on the false assumption that the intent of the Proponents initiative is to ban abortion. The Co-Proponents have explained multiple times in a variety of ways that the intent of Initiative #149 is as it states: to acknowledge the right to continue living for children from the moment they are conceived. If we merely wanted to ban abortion, we could have written

that plainly. However, we find the term "abortion" to be a murky term unless defined, because spontaneous abortion is actually the same as a naturally occurring miscarriage.

If our intent was to ban abortion, we could not do so by repealing amendment 79. If our intent was to ban abortion, our intent would be to create an unjust law, as banning abortion does not recognize the right of all children to continue living. To "ban abortion" protects only some children who are threatened by violence prior to and during birth.

The Proponents seek to create a just law that applies the right to continue living to all children from the moment they are conceived. Human development is a continuum from the moment we are conceived through every developmental stage of detectable heartbeat by 21 days, detectable brainwaves by 34 days, being able to see and hear and sleep before we are born, through infancy, toddlerhood, and adolescence. The amendment would recognize that every child deserves the right to continue living.

Our initiative does not give new status to imaginary entities such as a "just fertilized egg" In re. *Opponents Opening Brief to the Colorado Supreme Court, December 2, 2025*, Page14, as we prefer to address reality and write truth clearly. Our initiative does acknowledge the right to continue living to children from the moment they are conceived, and this is our single subject.

Refuting the "Separate Subjects" Argument

Title Board states "Specifically, Initiative 149 provides for an unqualified 'right to continue living' for children 'from the moment they are conceived.'" *Title Board Opening Brief to the Colorado Supreme Court*, December 2, 2025, page 10.

The Title Board attempts to disqualify itself from upholding the title it correctly set using the following arguments to find, or create, "separate subjects" for the proposed measure. Id.

(i) "enshrining a constitutional right to life from conception." This indicates Title Board understands the single purpose of this measure.

(ii) "a near-explicit prohibition of abortion;" These are their words, not ours. Anything that would violate this proposed amendment is not a separate subject.

(iii) "an inherent repeal of Amendment 79." The "effects th[e] measure could have on Colorado … law if adopted by voters are irrelevant" to the single subject inquiry. *In re Title, Ballot title, & Submission Clause for 2013-2014 #90, 2014 CO 63, 11, 17.*

(iv) "A legal assertion of life beginning at conception." The right of children to continue living is qualified in the amendment #149 by "from the moment they are conceived." All parts of the measure are

"necessarily and properly connected" to one general objective pursuant to C.R.S. § 1-40-106.5.

(v) "a swath of confusion: as to the **scope** of the "right to life" for children". [bold added] The "effects th[e] measure could have on Colorado … law if adopted by voters are irrelevant" to the single subject inquiry. *In re Title, Ballot title, & Submission Clause for 2013-2014 #90, 2014 CO 63, 11, 17.*

(vi) "voiding all existing laws and judicial judgements to the contrary." Supersession language directing that the new right controls over contrary authority is "necessarily and properly connected" to the one general objective and does not violate the single subject rule pursuant to C.R.S. § 1-40-106.5. The "effects th[e] measure could have on Colorado … law if adopted by voters are irrelevant" to the single subject inquiry. *In re Title, Ballot title, & Submission Clause for 2013-2014 #90, 2014 CO 63, 11, 17.*

(vii) "the implicit inability for "legislation, [judicial] judgments[,] or constitutional provisions" to address or, in the case of judicial review, interpret the provision." Routine enforcement mechanisms to render the right judicially cognizable does not violate the Single Subject rule pursuant to C.R.S. § 1-40-106.5.

In *Title Board's Opening Brief to the Colorado Supreme Court, December 2, 2025*, Page 11, Title Board references #79, which they seem most fixated on, which did have a stated repeal that was *not* mentioned within its title and did *not* constitute a second subject. The supersession language written clearly within #149 applies to all laws in conflict and does not constitute a separate subject as it is properly and necessarily connected to the singular purpose. C.R.S. § 1-40-106.5 The speculative impacts and disagreement with policy are immaterial at this stage. Superseding 79 or any other law does not violate the single subject rule. Id.

If Title Board is to be consistent, fair, and just in their decisions, devoid of bias based on merit, then Initiative #149 must be a single subject because Initiative #89 was very broad with many far-reaching implications and was passed in 2024 by Title Board as a single subject that became Amendment #79.

Amendment #79 (i) enshrined a "right" to "abortion" without defining the term "abortion" (ii) repealed a previous amendment that didn't appear in the ballot title (iii) allowed unlimited tax-payer funds to pay for unlimited "abortions", (iv) redefined abortion as "healthcare," and (v) forced insurance companies to pay for elective, invasive procedures without medical indication. Many of these concepts are novel within the actual healthcare community and among voters.

Amendment 79 established a broad "right" to "abortion" regardless to age, to circumstance, or in the case of minors to parental consent. The legislative,

executive, and judicial branches of government cannot violate 79, and under 79, the court has no authority to re-interpret it.

Title Board adds language that does not appear within the proposed measure #149: "and prohibit abortion". re. *Title Board's Opening Argument to the Colorado Supreme Court, December 2, 2025*, Page 13, para 1. The term "abortion" is an ambiguous term that the Co-Proponents would not use. The term "abortion" – wrongly attributed to this measure – could refer to a "spontaneous abortion" which is a natural miscarriage, where the child has already died and labor cannot be stopped, or an "induced" or "elective abortion" which causes unnecessary premature death of a child through poisoning, stabbing, dismembering, asphyxiating, leaving the child to die of "the elements", or otherwise torturing the child to death. Nowhere within the complete text of Initiative #149 is this term used, nor do we intend for this term to be used. It is unclear why Title Board felt it necessary to unfairly add the term in order to then argue against it.

The proposed constitutional amendment #149 recognizes a right to life. As a people's initiative by the citizens of Colorado, we are putting forward the words we would like in the Constitution, and if enough people sign that it should be on the ballot, it deserves to be there. This is not intended to be a state sanctioned initiative or a non-controversial issue. This is an initiative for debate and vote. Just as those who Oppose us were able to put forward a Constitutional amendment that they

wanted following Dobbs V Jackson, using their unique worldview and the words that they wanted to use.

Amendment #149 would put Life into the Colorado Constitution. Proponents of Initiative #149 want to focus on the positive that we would like to see in our state. We would like to see all beautiful, precious children granted the right to continue living. Our amendment is all about life. Voters know the difference between living and killing.

The proposed amendment #149 and its title is clear. We all know what it means to continue living, and we all know what children are as qualified by "from the moment they are conceived". We want to acknowledge the right of all children to continue living from the moment they are conceived.

The right to life recognized by the United States Constitution does not guarantee any particular kind of healthcare or food stamps without further laws being passed by the legislature. This proposed amendment #149 would reflect in the Colorado Constitution what is present in the United States Constitution, applying the right to life to all children beginning when they are conceived. "In *Waters III*, this Court explained that it 'cannot speculate as to the effects th[e] Initiative may have on other constitutional provisions or statutes' 917 P.2d at 1281."

Opposing arguments misrepresent the testimony of Proponents on several accounts. Proponents made no "admission that it extended to matters such as the provision of extraordinary health care throughout one's childhood". *In re. Opposition's Opening Brief to Colorado Supreme Court*, December 5, 2025, Page #12. During the rehearing on #149 the proponents clearly stated the initiative did not include any hidden mandates upon healthcare or social services. **In re. Title Board Meeting Wednesday, November 05, 2025 9:00 A.M. Angela Eicher at 1:42:00.**

Extrapolating out or trying to imagine any and every potential, hypothetical, or far-reaching application to which a future court or legislator may attempt to enact new laws pertaining to children or even in a far-reaching way apply this amendment to future law-making or judgment is not within the narrow scope of Title Board. Even if the Title Board is not confident that it has thought of all potential applications in the future, that does not limit them from granting title. The "effects th[e] measure could have on Colorado … law if adopted by voters are irrelevant" to the single subject inquiry. *In re Title, Ballot title, & Submission Clause for 2013-2014 #90, 2014 CO 63, 11, 17.*

The Co-Proponents have put forward a singular purpose. The language is clear in both the law and the title.

The Title Board set a clear title that was not misleading or confusing that fairly communicates the intent and meaning of the measure. *In re Title, Ballot Title & Submission Clause for 2009-2010 #45*, 234 P.3d 642, 648 (Colo. 2010). The Title Board was incorrect in refusing to uphold the set title.

RESPONSE TO LEGAL ARGUMENT

I. The Title Board was correct in originally setting the title for Initiative #149, informally "Right to Life from Conception" because the measure meets the single subject requirement pursuant to C.R.S. § 1-40-106.5.

A. Standard of Review

Initiative #149 meets the standard of a "single subject, which shall be clearly expressed in its title." Initiative #149 meets the purpose of the Single Subject rule: "to ensure that each proposal depends upon its own merits for passage." 1-40-106.5(1)(a), C.R.S. (Section 1(5.5) of article V)

This Court may give deference to the Co-Proponents so that it does not frustrate the initiative process. The single subject is clear.

In *re Title, Ballot Title, & Submission Clause for 2019-2020 #3, 2019 CO 57*, this Court does "not address the merits of the proposed initiative" or "suggest how it might be applied if enacted." The issues concocted by Opponents outside

the wording of the initiative falls outside the scope of Title Board. The "effects th[e] measure could have on Colorado … law if adopted by voters are irrelevant" to the single subject inquiry. *In re Title, Ballot title, & Submission Clause for 2013-2014 #90, 2014 CO 63, 11, 17.*

An Initiative only violates "the single subject requirement when it relates to more than one subject and has at least two separate purposes." *In re Title, Ballot Title & Submission Clause for 2015-2016 #73, 2016 CO 24, para 14.* Initiative #149 does not have more than one subject and does not have "two separate purposes". **Its only purpose** is to put forward that "children have the right to continue living from the moment they are conceived". That is a singular purpose. Superseding any laws conflicting with the proposed law does not constitute separate subjects.

A "yes" vote means a "yes" vote for the right of children to continue living from the moment they are conceived. And a "no" vote means a "no" for the right of children to continue living from the moment they are conceived. Both the amendment and the title are clear.

Initiative #149 has the single objective of extending the right of children to continue living from the moment they are conceived. The Proponents neither put forward a laundry list of expected outcomes of the measure, nor did they agree with them.

There are no provisions within the wording of the amendment that are "disconnected" or "incongruous". *In re 2013-2014 #76 // 8*. If Title Board correctly assigned titles that the voters of Colorado knew what they were voting on in previous election cycles, there should be no reason to suspect "surprise" to the voter on this title that supersedes them. *In re. Title Board's Opening Brief the Colorado Supreme Court, December 2, 2025*, Page 13. There is no ambiguity in the amendment #149 or the title.

The comparison the Title Board tried to make *In re. Title Board's Opening Brief the Colorado Supreme Court, December 2, 2025*, Page 12 does not apply where only one subject is present within the measure.

Concocting issues that do not exist within the measure itself to try to create a separate subject outside the measure does not qualify as a "complex" proposal with "hidden aspects". Id.

This Court does "not address the merits of the proposed initiative" or "suggest how it might be applied if enacted." In re Title, Ballot Title, & Submission Clause for 2019-2020 #3, 2019 CO 57, ¶ 8. Instead, this Court "must examine the **initiative's wording** to determine whether it comports with the constitutional single-subject requirement." Id. Where an initiative "tends to . . . carry out **one general objective**" or central purpose, and the "effects th[e] measure could have on Colorado . . . law if adopted by voters are irrelevant" to the single

subject inquiry. In re Title, Ballot Title, & Submission Clause for 2013-2014 #90, 2014 CO 63, ¶¶ 11, 17 [emphasis added].

In re Title, Ballot Title, & Submission Clause for 2019-2020 #3, 2019 CO 57, ¶ 8, only the words themselves should be examined when considering single subject. And *In re Title, Ballot Title, & Submission Clause for 2013-2014 #90, 2014 CO 63, ¶¶ 17*, whatever the "effects th[e] measure could have" are "irrelevant" to the single subject inquiry. Every speculative affect the measure could have that Title Board can imagine to excuse themselves from upholding its title is irrelevant.

There are no "two distinct and separate purposes" In *re. Title Board's Opening Brief to Colorado Supreme Court*, December 2, 2025, page 8. There are no "separate and distinct" subjects mentioned within the amendment. Either the Opposition is purporting potential effects from the one-sentence amendment so that the "subjects" they are bringing up are not "separate and distinct", or they are concocting unrelated topics that do not derive naturally from the proposed law itself. Their own assertion negates itself.

Opposing counsel fails to find "two "distinct and separate purposes" within the proposed amendment that "children have the right to continue living from the moment they are conceived." There is only one purpose which is clearly stated. That the single purpose supersedes any conflicting laws is not a "separate and

distinct" subject. Superseding other laws is "necessarily and properly connected" and dependent upon the unifying purpose, satisfying the single-subject test. C.R.S. § 1-40-106.5.

The laundry list Title Board creates does not suggest "logrolling" on the part of the Co-Proponents who have put forward one clear, unifying theme of a single right for children beginning when they are conceived.

The original setting of title by Title Board was the correct decision. The Supreme Court should not provide undue preference to the appeal that was based almost exclusively on arguments by the Opposing counsel.

B. Initiative #149 contains only one subject: the right for children to continue living from the moment they are conceived.

The Opposition rightly understands, as will the voter, that the right of children to continue living would supersede any laws allowing the violation of that right. Superseding conflicting law does not violate the single subject rule under C.R.S. § 1-40-106.5.

Opposing counsel references a similar, but separate initiative put forward by the Proponents (#129) that did contain a repeal. *In re. Opposing Council's Opening Brief to Colorado Supreme Court, December 2, 2025*, Page 7,9. The Initiative #149 before this Court does *not* contain a repeal. Initiative #149 supersedes any laws in conflict with it. Initiative #149 can stand on its own without interpretation from

other initiatives and can "depend upon its own merits for passage". In re Proposed Initiative "Pub. Rts. In Waters II," 898 P.2d 1076, 1078 (Colo.1995).

In *Title Board's Opening Brief to the Colorado Supreme Court, December 2, 2025, Page 13, para 1*, intent is misattributed to the measure and words added that simply are not there. The proposed amendment states very clearly "Children have the right to continue living from the moment they are conceived." The Title Board has added the phrase: "and prohibit abortion". Id. Those words are theirs, not ours. Those are not the words the Proponents wish to include in the amendment to the Constitution for multiple reasons, many already discussed. This is an amendment about ***life.***

This is not an amendment attempting to address an exhaustive list of how children are currently being killed, whether by "abortion", auto accidents, gunshot, drugs, abuse of the pregnant mother, coercion by a sex trafficker, … the list could go on. Title Board seems so focused on death that it completely misses the point that the Co-Proponents are trying to put forward about ***life.*** Title Board may be better served by deferring to experts in the field rather than limiting themselves to their own personal experiences and frames of reference. The Title Board seems fixated on death and the word "abortion". "Abortion" is a death word – whether speaking about a spontaneous or elective one, it is a painful, ambiguous, triggering word for many adults harmed by it. Research shows that 81% of formerly pregnant

mothers suffer psychologically from either a surgical or chemical termination of pregnancy and 11% of women (1 in 10) suffer physically, needing emergency room services including blood transfusions following a drug-induced loss of a child. Some women become permanently infertile and many women die, including those who take a pill at home only to become infected or hemorrhage to death. The term "abortion" is a murky word that could be misleading to voters.

Initiative #149 is clear to the voter. The argument over policy is inappropriate at this stage and would be better addressed by the voters themselves through a democratic process.

C. Having broad application does not violate the single subject rule.

Opponents state that a child's right to continue living could hypothetically involve a child's "right to health care, a child's right to be safe in the classroom, a child's right to be fed and sheltered, ..." *re. Opponents Opening Brief, December 2, 2025, Page* 11.

Opponents misquote Proponents more than a few times. Opponents state that Proponents "admitted" "a child's right to all forms of life-saving medication is encompassed within this new constitutional right" which they then reference to a question by a Board member concerning Initiative #129. *Opponents Opening Brief, December 2, 2025, Page 12.*

Whatever the "effects th[e] measure could have" are "irrelevant" to the single subject inquiry. *In re Title, Ballot Title, & Submission Clause for 2013-2014 #90, 2014 CO 63, ¶¶ 17.* Whether future judges or legislators wish to address any of the specific issues raised by Opponents has no bearing on the current measure before Title Board and this Court to set title.

Proposed initiatives from both sides of the political spectrum - from the abortion amendment 79 to each of the three personhood amendments - have potentially broad application because they each present a foundational principle.

Personhood Amendments have been on the Colorado ballot three times. A personhood amendment has very broad implications. If a personhood amendment can be on the Colorado ballot (and has), there is no legal reason the right of a child to continue living cannot be on the ballot.

D. Superseding conflicting laws does not violate the Single Subject Rule.

The right of a child to continue living necessarily supersedes any law which violates that right. The Opponents' argument that a voter may want to support both the proposed right of children to continue living and the current legal ability to kill them is illogical and irrelevant for setting title.

Where an initiative "tends to . . . carry out one general objective" or central purpose, and the "effects th[e] measure could have on Colorado . . . law if adopted

by voters are irrelevant" to the single subject inquiry. In re Title, Ballot Title, & Submission Clause for 2013-2014 #90, 2014 CO 63, ¶¶ 11, 17

The supersession language written clearly within the amendment applies to all laws in conflict and does not constitute a separate subject as it is properly and necessarily connected to the singular purpose pursuant to the Single Subject rule C.R.S. § 1-40-106.5

E. The single subject in #149 and its title is clearly stated.

Proponents have constructed an initiative that says and does exactly what they intend, extending to children the right to continue living from the moment they are conceived. The title originally granted by Title Board is clear and understandable using the wording Proponents are proposing to voters to consider putting into the Colorado Constitution. It is as clear as the U.S. Constitutional right to life, liberty, and the pursuit of happiness. There is no ambiguity. A child of reading age can understand what it means. There is nothing hidden. It means what it says and it says what it means. It is simple and straight-forward that children would have the right to continue living from the moment they are conceived. Initiative #149 complies with the Single Subject rule. C.R.S. § 1-40-106.5

II. The Title adequately advises voters what the measure does.

Title Board's argument against its own title *In re. Title Board Opening Brief to the Colorado Supreme Court*, December 2, 2025, page 22, *In re Proposed Initiative on Parental Notification* does not help their argument. Initiative #149 does not have the same difficulties of defining vocabulary since that is not the vocabulary it is using, and none of the terms in the argument are referenced or necessary to the proposed Initiative #149.

In re. Title Board Opening Argument to the Supreme Court, December 2, 2025, Page 23, all those who were able to testify from the general public stated that they can understand what the measure means. Each testimony focused on something uniquely important to that individual but does not negate that every single person who testified stated that they understood the measure.

This initiative is different from existing law, which is why we want to change the law. If we already had law doing what we want to do, we would not see a need for putting forward new law. The new law would recognize that "children have the right to continue living from the moment they are conceived." Each of those vocabulary words and concepts are understandable to average readers with average comprehension skills. There is no confusion, no ambiguity, and no reason to say that people who can read cannot understand what the amendment means.

It is insulting to Coloradans to imply that voting adults are not capable of understanding and deciding how they would like to vote.

There is only one subject here to defend: the right of a child to continue living. And we have made it clear that this initiative applies that right to children beginning when they are conceived.

LEGAL ARGUMENT

I. The Title Board Erred in Reversing Its Initial Single-Subject Determination; the Initiative Contains a Single Subject: Establishing a Constitutional Right to Continue Living from Conception.

The Board's initial finding was sound: the Initiative's objective is direct - to create a constitutional right to continue living from conception - and its supporting provisions are mere implementation details. These include the right's definitions, supersession/priority language, and enforcement scaffolding. This structure satisfies the single-subject test, as all elements are "necessarily and properly connected" to the unifying purpose. C.R.S. § 1-40-106.5.

This Court has repeatedly rejected claims that a measure becomes multi-subject simply because it displaces existing law. To the contrary, even repealing entire constitutional provisions can occur within a single subject when serving one objective. *In re Ballot Title #3*, 2019 CO 57, 442 P.3d 867 (upholding

repeal of TABOR in its entirety as single subject, rejecting notion that repealing multi-faceted provisions inherently creates multiple subjects). Similarly, in *In re Title, Ballot Title & Submission Clause for 2013-2014 #89*, 328 P.3d 172 (Colo. 2014), the Court upheld a measure creating a new environmental right that altered existing laws, as all components connected to that aim.

Additional precedents reinforce this: *In In re Proposed Initiative on Petitions*, 907 P.2d 586 (Colo. 1995), the Court upheld reforms to petition procedures, finding minor connected provisions do not fracture the rule - analogous to the Initiative's definitions and enforcement details. In *In re Amend Tabor No. 32*, 908 P.2d 125 (Colo. 1995), a tax credit across multiple taxes was single-subject due to its central relief aim, showing broad impacts do not violate the rule if unified, like the Initiative's ripple effects. In *In re Proposed Initiative on Parental Rights*, 913 P.2d 1127 (Colo. 1996), a broad parental rights measure encompassed multiple aspects without separate subjects, directly paralleling a general right from conception. In *In re Proposed Initiative 1996-6 (Public Rights in Waters III)*, 917 P.2d 1277 (Colo. 1996), undefined future effects and supersession did not create multiple subjects. In *In re Proposed Initiative for 1999-2000 No. 258(A)*, 4 P.3d 1094 (Colo. 2000), phasing out programs was incidental to English-only instruction. In *In re Proposed Initiative for 1999-2000 No. 255*, 4 P.3d 485 (Colo. 2000), incidental effects on sellers did not violate the rule in a gun-check measure.

These cases confirm the Board's reversal was error; the Initiative's breadth, impact, or controversy does not create a second subject where all parts serve one end.

A. "Implied Repeal" Is a Consequence, Not a Subject.

Opponents' focus on "implied repeal" misses the mark. When an initiative establishes a new constitutional right, any displacement of contrary statutes or precedents is a consequence of that single change, not a separate subject. The Colorado Supreme Court has upheld measures with sweeping effects - including the complete repeal of TABOR - as single-subject when the provisions are "necessarily and properly connected" to one central objective. *In re Ballot Title #3, 2019 CO 57, ¶¶ 30–39, 442 P.3d 867* (holding full repeal of a multi-faceted provision is still one subject); see also *In re Proposed Initiative 1996-6 (Public Rights in Waters III)*, 917 P.2d 1277, 1280–81 (Colo. 1996) (possible conflicts or supersession do not create multiple subjects). The subject here remains the declared right; the priority/supersession language merely enforces that unified aim.

B. The Opponents' Reliance on Older, Misplaced Authority Is Unavailing.

Opponents invoke pre-*Ballot Title #3* decisions involving incongruous projects, but those are distinguishable. Here, there is one project:

constitutionalizing the right and ensuring its efficacy. The supersession clause is not a freestanding redesign but a standard mechanism, as upheld in *Waters III* and *Parental Rights*. This Court's modern jurisprudence underscores that ordinary consequences of priority do not fracture the single-subject rule.

II. The Title Board Erred in Finding the Titles Unclear; the Originally Set Titles Fairly Present the Measure's Central Features.

Titles must be clear but need not exhaustively list implications or litigate hypotheticals. The Board's original title met this: they stated the core change and alerted to priority over inconsistent law, avoiding speculation while enabling informed votes.

Opponents' clarity objections confuse breadth with ambiguity. Many initiatives have ripple effects (e.g., tax limits or reforms), yet remain clear if summarizing the thrust. *In re Amend Tabor No. 32*, 908 P.2d 125. The Board was not required to enumerate doctrines like end-of-life standards or IVF—such "laundry lists" invite prolixity, which this Court discourages. Id. Voters grasp that a constitutional right supersedes contrary law without an exhaustive inventory.

Claims of "structural changes" curtailing judicial power are baseless: the clause directs application of the new standard, as in every amendment, without stripping authority. See *Parental Rights*, 913 P.2d 1127 (implementation

mechanisms are not separate objectives). The reversal on clarity grounds was thus unwarranted.

III. The Opponents' Parade of Hypotheticals Is Legally Irrelevant at the Title-Setting Stage.

Speculative applications (e.g., medical protocols or liabilities) do not belong in title review. The Board does not resolve future interactions; that is for litigation or legislation. C.R.S. § 1-40-106. Using conjecture to find multiple subjects or unclear titles exceeds the Board's mandate and invites merits adjudication, which is prohibited.

IV. Even Accepting the Opponents' Premises, the Requested Relief Is Improper, and the Title Board's Reversal Was Unwarranted.

Opponents failed to identify a correctable title defect; their grievances stem from the Initiative's impact and hierarchy, not titling errors. Burdening titles with contested characterizations would render them argumentative. The original concise, neutral titles were proper; the reversal elevates policy discord over law.

CONCLUSION

Any arguments of scope, application, or merit should be debated in the public during campaigning and at the polls, not at this stage of the process for

setting the ballot title. To limit the speech and right to petition thwarts the process and diminishes the democratic process.

The Proponents of Initiative #149 believe that if Colorado cannot get the Life issue right, it won't get anything else right, either. If we as adults cannot protect just a child's right to continue living, the commentary on who we are as a civilization is sadly suspect and in danger of imploding.

Enacting any new law has consequences. The consequences of this one will be good for everyone. Life is always better than death. At this stage of setting the title, it is premature for any of the kinds of debate being raised. It should be up to the voters to decide.

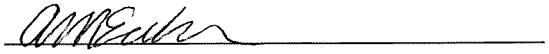
The right of children to continue living would have saved the life of a child in a car accident. And it could save the lives of many others. If 125,000 voters indicate by their signatures that the people of Colorado want to put this initiative onto the ballot, it should be there. It should not matter what the topic is or how individuals in bureaucracy personally feel about it.

RELIEF REQUESTED

The Initiative presents one subject, and the original title fairly informs voters. The Board's rehearing reversal, converting merits debates into barriers,

contravenes Colorado law. This Court should reverse, reinstate the single-subject finding, and direct title-setting as initially determined.

Respectfully submitted on December 22, 2025,



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CERTIFICATE OF SERVICE

I certify that on December 19, 2025, a true copy of the **PROPONENT'S ANSWER BRIEF** was served via hand delivery or through an over-night delivery service on the Title Board's and Respondent's counsel at the following addresses.

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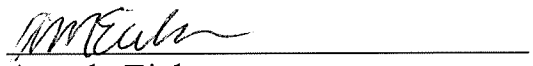

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