

SUPREME COURT OF COLORADO 2 East 14th Ave. Denver, Colorado 80203 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 #149 (“Right to Continue Living from Conception”) Petitioners: Tralita Faye Barnhart & Angela Eicher v. Respondent: Kelly L. Page and Title Board: Kathleen Wallace, Michael Dohr, and Kurt Morrison	DATE FILED December 2, 2025 3:28 PM ▲ COURT USE ONLY ▲
Attorneys for Respondent: Mark G. Grueskin, #14621 Recht Kornfeld, P.C. 1490 Stout Street, Suite 1400 Denver, Colorado 80202 303-573-1900 (telephone) 303-446-9400 (facsimile) mark@rklawpc.com nate@rklawpc.com	Case No. 2025SA333
RESPONDENT’S OPENING BRIEF ON PROPOSED INITIATIVE 2025-2026 #149 (“RIGHT TO CONTINUE LIVING FROM CONCEPTION”)	

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 C.A.R. 28(g).

Choose one:

☒ It contains 3,446 words.

☐ It does not exceed 30 pages.

The brief complies with C.A.R. 28(k).

For the party raising the issue:

It contains under a separate heading (1) a concise statement of the applicable standard of appellate review with citation to authority; and (2) a citation to the precise location in the record, not to an entire document, where the issue was raised and ruled on.

☒ For the party responding to the issue:

It contains, under a separate heading, a statement of whether such party agrees with the opponent's statements concerning the standard of review and preservation for appeal, and if not, why not.

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.

/s Mark G. Grueskin

Mark G. Grueskin

Attorney for Respondent

TABLE OF CONTENTS

STATEMENT OF ISSUES PRESENTED.....	1
STATEMENT OF THE CASE.....	1
A. Statement of Facts	1
B. Nature of the Case, Course of Proceedings, and Disposition Below.....	3
SUMMARY OF ARGUMENT	4
LEGAL ARGUMENT.....	5
I. The Title Board lacked jurisdiction to set a title for #149 because this measure violates the single subject requirement.	5
A. Standard of review.....	5
B. Preservation of issues for appeal.....	7
C. Initiative #149 contains at least two subjects: (1) abolishing the constitutional right to abortion; and (2) establishing, for children, “the right to continue living” from the moment of their conception.	7
1. #149’s first subject: abolishing the existing constitutional right to an abortion.....	7
2. #149’s second subject: establishing a child’s continuing constitutional right to live, after birth.....	10
D. The Title Board correctly refused to set titles for a measure, a single subject of which it could neither clearly identify or state at rehearing.	15
CONCLUSION.....	17

TABLE OF AUTHORITIES

Cases

<i>Dobbs v. Jackson Women’s Health Organization</i> , 597 U.S. 215 (2022)	9
<i>In re Proposed Initiative on Parental Notification of Abortions for Minors</i> , 794 P.2d 238 (Colo. 1990).....	15
<i>In re Title & Ballot Title & Submission Clause, and Summary for Initiative 1999-2000 #25</i> , 974 P.2d 458 (Colo. 1999).....	6, 16
<i>In re Title & Ballot Title & Submission Clause, and Summary for Initiative 1999-2000 #29</i> , 972 P.2d 257 (Colo. 1999).....	10, 17
<i>In re Title, Ballot Title & Submission Clause for 2021-2022 #1</i> , 2021 CO 55, ¶ 41	14
<i>In re Title, Ballot Title & Submission Clause, and Summary for Initiative 1999-2000 #104</i> , 987 P.2d 249 (Colo. 1999).....	10
<i>In re Title, Ballot Title and Submission Clause, and Summary for Initiative 1997-1998 #64</i> , 960 P.2d 1192 (Colo. 1998).....	6
<i>In re Title, Ballot Title, & Submission Clause for 2009-2010 #24</i> , 218 P.3d 350 (Colo. 2009)	13
<i>In re Title, Ballot Title, & Submission Clause for 2013-2014 #89</i> , 2014 CO 66, ¶ 19, 328 P.3d 172	14
<i>In re Title, Ballot Title, & Submission Clause for 2015-2016 #132</i> , 2016 CO 55, ¶16.....	13
<i>In re Title, Ballot Title, and Submission Clause for 2009-2010 No. 45</i> , 234 P.3d 642 (Colo. 2010)	7
<i>Planned Parenthood of Central New Jersey v. Farmer</i> , 220 F.3d 127 (3d Cir. 2000)	12
<i>Planned Parenthood of Central New Jersey v. Verniero</i> , 41 F.Supp. 2d 478 (D.N.J. 1998)	12
<i>Wainwright v. Witt</i> , 469 U.S. 412 (1985)	11

Statutes

C.R.S § 1-40-106.5(1)(e)(II).....	5
-----------------------------------	---

Other Authorities

Legislative Council of the Colorado General Assembly, Research Publication No. 815 (2024) at 9, 26, 27	9
Webster’s Third New International Dictionary 1306 (1976)	12

Constitutional Provisions

Colo. Const. art. V, sec. 1(5.5).....	4, 5
Colo. Const., art. I, sec. 5.5.....	16
Colo. Const., art. II, sec. 32	4, 7

STATEMENT OF ISSUES PRESENTED

Whether an initiative that both creates a new constitutional right – the right of children to “continue living” from the moment of conception on – is a second subject with the effective repeal of a woman’s right to choose an abortion, adopted by voters at the 2024 general election.

Whether the Title Board could set titles for an initiative, the nature and scope of which it could not understand.

STATEMENT OF THE CASE

A. Statement of Facts

Tralita Faye Barnhart and Angela Eicher (“Proponents”) are the designated representatives for Initiative #149 (“Initiative” or “#149”). The Initiative was filed with legislative staff, and a review and comment hearing was held on September 18, 2025.¹

This measure contains only a few words.

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

Section 33. Right to be born.

¹ The audio recording of the hearing may be accessed here: <https://sg001-harmony.sliq.net/00327/Harmony/en/PowerBrowser/PowerBrowserV2/20250918/-1/17651>.

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.

See Final Text of Initiative, Record for Initiative #149 (“R.”) at 14 (appended to Petitioner’s Petition for Review).

As is described in the Legal Argument section of this Opening Brief, Initiative #149 was not the first or only measure on this topic that these Proponents filed in the current election cycle. Earlier versions include Initiatives 2025-2026 #111,² #129,³

² For the text of this proposed initiative, *see* <https://s3.us-west-2.amazonaws.com/beta.leg.colorado.gov/331c5c95d0d15ed8762ba64f28a0ca27> (last viewed Nov. 22, 2025). This measure was never presented to Title Board for title setting.

³ For the text of this proposed initiative, *see* <https://www.sos.state.co.us/pubs/elections/Initiatives/titleBoard/filings/2025-2026/129OriginalFinal.pdf> (last viewed Nov. 22, 2025). This measure was presented to Title Board for title setting, but the Board refused to set title because the measure violated the single subject requirement.

#132,⁴ and #150.⁵ The Title Board’s decisions on its jurisdiction to set titles for these additional measures have not been appealed to this Court.

B. Nature of the Case, Course of Proceedings, and Disposition Below.

On October 15, 2025, the Title Board held a hearing on #149, found the measure constituted a single subject, and set the following ballot title and submission clause for #149: “*Shall there be an amendment to the Colorado Constitution creating new law that children have the right to continue living once conceived?*” R. at 12.

On October 22, 2025, Objector filed a motion for rehearing, stating that #149 was contrary to the single subject requirements of Colo. Const. art. V, sec. 1(5.5) and that the Title Board set a title that is misleading and confusing and does not fairly communicate the intent and meaning of the measure. R. at 2-6.

⁴ For the text of this proposed initiative, *see* <https://www.sos.state.co.us/pubs/elections/Initiatives/titleBoard/filings/2025-2026/132OriginalFinal.pdf> (last viewed Nov. 22, 2025). This measure was presented to Title Board for title setting, but the Board refused to set title because the measure violated the single subject requirement.

⁵ For the text of this proposed initiative, *see* <https://www.coloradosos.gov/pubs/elections/Initiatives/titleBoard/filings/2025-2026/150Final.pdf> (last viewed Nov. 22, 2025). This measure was presented to Title Board for title setting, but the Board refused to set title because the measure violated the single subject requirement.

After that rehearing, the Board found that the measure violated the single subject requirement, reversing its earlier decision, and refused to set a ballot title for #149. *Id.* at 13.

SUMMARY OF ARGUMENT

The single subject requirement was adopted to protect voters from hidden aspects of an initiative. Presented to voters as a child's right to continue living from the moment of conception, Initiative #149 conceals the fact that it effectively repeals Section 32 of Article II of the Colorado Constitution, adopted by voters as Amendment #79 at the last general election. Voters will not know they are both adopting an unbounded right to continue living and also repealing the right to abortion in the same measure. The Title Board refused to set titles for Proponents' measure (Initiative #129) that expressly adopted this new right and also explicitly repealed Section 32 of Article II. When, upon rehearing, it did the same for Initiative #149, it was correctly following this Court's direction about applying the single subject requirement for initiatives, particularly where initiatives surreptitiously propose changes to the law that voters would not adopt if standing by themselves.

Additionally, besides its implied repeal of Amendment #79, Initiative #149's "right to continue living" was not an amendment that the Board could comprehend. Proponents' admissions that it extended to matters such as the provision of

extraordinary health care throughout one’s childhood made it clear that this was an expansive grant of rights, but Proponents could not or would not provide the clarity the Board sought. Therefore, the Board was correct in its refusal to set titles, and that decision should be upheld here.

LEGAL ARGUMENT

I. The Title Board lacked jurisdiction to set a title for #149 because this measure violates the single subject requirement.

A. Standard of review.

A proposed initiative must contain no more than one subject. Colo. Const. art. V, § 1(5.5). Provisions that are “disconnected or incongruous” violate this requirement. *In re Title, Ballot Title & Submission Clause for 2019-2020 #315*, 2020 CO 61, ¶ 13, 500 P.3d 363, 367. In this way, the single subject requirement will “prevent surprise and fraud from being practiced upon voters.” C.R.S. § 1-40-106.5(1)(e)(II).

An initiative violates the single subject requirement “when it has at least **two distinct and separate purposes** which are not dependent upon or connected with each other.” *In re Title, Ballot Title and Submission Clause, and Summary for Initiative 1997-1998 #64*, 960 P.2d 1192, 1196 (Colo. 1998) (citation and internal quotation marks omitted) (emphasis added). A common thread between separate and distinct topics does not solve proponents’ single subject problem. “Where two

provisions advance separate and distinct purposes, the fact that they both relate to a **broad concept or subject is insufficient to satisfy the single subject requirement.**” *Id.* (emphasis added.) A “general theme” is not a single subject for constitutional purposes. *In re 2019-2020 #315, supra*, ¶ 16, 500 P.3d at 367.

The Board has no title setting jurisdiction if it cannot understand an initiative’s meaning. It cannot set titles where a measure is written with such “ambiguity” as would make the Board “incapable of setting clear titles that would not mislead the electorate.” *In re Title & Ballot Title & Submission Clause, and Summary for Initiative 1999-2000 #25*, 974 P.2d 458, 467 (Colo. 1999). “[I]f the Board cannot comprehend a proposed initiative sufficiently to state its single subject clearly in the title, it necessarily follows that the initiative cannot be forwarded to the voters.” *Id.* at 465.

In reviewing a challenge to the Title Board’s single subject decision, the Supreme Court will “employ all legitimate presumptions in favor of the propriety of the [Title] Board’s actions.” *In re Title, Ballot Title, and Submission Clause for 2009-2010 No. 45*, 234 P.3d 642, 645 (Colo. 2010). In the first instance, the Court gives the decision of the Title Board great deference because “[t]he Title Board is vested with considerable discretion in setting the title and the ballot title and submission clause.” *In re 2019-2020 #315, supra*, ¶ 6.

B. Preservation of issues for appeal.

Objector preserved this issue of Initiative 149's violation of the single subject requirement in her Motion for Rehearing. R. at 2-5.

C. Initiative #149 contains at least two subjects: (1) abolishing the constitutional right to abortion; and (2) establishing, for children, “the right to continue living” from the moment of their conception.

1. #149's first subject: abolishing the existing constitutional right to an abortion.

Proponents wish to eliminate the right to abortion, incorporated in section 32 of Article II of the Colorado Constitution that voters adopted as Amendment #79 in 2024. An initiative that clearly and specifically repealed the provision would almost certainly be immune from a single subject challenge.

Proponents described the legal meaning of one of their related measures (Initiative #129) that contained both the “right to continue living from the moment of conception” language used in #149 and an express repeal of Amendment 79.⁶ According to them, this measure was “the right to life from conception or right to be born amendment.”⁷ These Proponents also labeled their measure, “Right to Be

⁶ Final text of Initiative 2025-2026 #129 can be found at: <https://www.coloradosos.gov/pubs/elections/Initiatives/titleBoard/filings/2025-2026/129OriginalFinal.pdf> (last viewed Nov. 27, 2025).

⁷ https://csos.granicus.com/player/clip/514?view_id=1&redirect=true at 52:59-53:02 (Sept. 3, 2025).

Born.” This newly created right is to apply during “all 40 weeks of pregnancy.”⁸ A Title Board member stated, “I think your Section 2 gets to that as well, by repealing, I think, it’s Amendment 79,”⁹ a point that was never disputed by Proponents. And one supporter, a former proponent of “personhood” initiatives, stated that #149 seeks to “advance one clearly defined legal subject, and that is the legal recognition and protection of unborn human life.”¹⁰ The fiscal impact statement on #149, prepared by legislative staff, makes this clear: “The measure prohibits abortion services provided by medical providers.” R. at 16.

According to the Blue Book published in advance of the 2024 election, voters understood that enacting Amendment #79 would guarantee women the right to choose an abortion.

- “A ‘yes’ vote on Amendment 79 places the right to abortion in the Colorado Constitution.”
- “Amendment 79 makes abortion a constitutional right in Colorado.”

⁸ *Id.* at 53:50-55.

⁹ *Id.* at 54:18-22.

¹⁰ https://csos.granicus.com/player/clip/520?view_id=1&redirect=true at 3:32:50-53; *accord*, 3:34:50-51 (Oct. 15, 2025).

- “Placing the right to abortion in the Colorado Constitution protects abortion access in Colorado, ensuring abortion will be available in the state regardless of changing political climates.”

Legislative Council of the Colorado General Assembly, Research Publication No. 815 (2024) at 9, 26, 27. The Blue Book highlighted the legal development that precipitated this legal change. “[T]he U.S. Supreme Court ruled that the U.S. Constitution does not include a right to abortion, and returned the authority of regulating or prohibiting abortions to the state.” *Id.* at 26; *see Dobbs v. Jackson Women’s Health Organization*, 597 U.S. 215 (2022).

Proponents’ precursor initiative, #129, was denied a ballot title for failure to meet the single subject requirement. The Title Board correctly found that #129 contained two subjects: (1) expressly abolishing the constitutional right to abortion; and (2) granting all children “the right to continue living.”¹¹ The Proponents did not appeal that Board decision but, instead, pursued its only slightly pared down version, the measure now before this Court.

Initiative #149 is the mirror image of #129 except that, where #129 was explicit about abolishing abortion rights, #149 achieves the same goal by the implied repeal of Amendment #79. On at least two occasions, this Court has rejected an implied repeal of an existing constitutional provision when it was a second subject

¹¹ See footnote 7, *supra*, at 59;51-1:01:39.

and packaged as part of a general initiative theme. In *In re Title & Ballot Title & Submission Clause, and Summary for Initiative 1999-2000 #29*, 972 P.2d 257, 263-64 (Colo. 1999), the Court found the implied repeal of the constitutional provision addressing jurisdiction of Denver County Court judges was separate and disconnected from an amendment changing other aspects related to the judiciary. The Court ruled the same way as to the implied repeal in *In re Title, Ballot Title & Submission Clause, and Summary for Initiative 1999-2000 #104*, 987 P.2d 249, 256 (Colo. 1999).

The upshot of this precedent is that initiative proponents can repeal existing constitutional provisions; they simply cannot do so as part of a multi-subject package, such as Initiative #149. Here, the Title Board correctly found that it was bound by this precedent and refused to find that the measure was comprised of a single subject.

2. #149's second subject: establishing a child's continuing constitutional right to live, after birth.

After the Proponents' intent to end the right to an abortion in Colorado was established at the above-referenced Title Board meeting, one Board member asked Proponents, "So presumably, this [right to continue living] includes children 'post-

birth?”” to which Proponents stated it would.¹² Proponents then said the right to continue living would apply to “a child in the classroom or a child in the womb.”¹³ It would be broad enough to apply to “a child at whatever age, whatever stage of development.”¹⁴

This unbounded legal protection raises, at a minimum, a child’s right to health care, a child’s right to be safe in a classroom, a child’s right to be fed and sheltered, and a child’s right to extraordinary life-saving medical procedures. *See* R. at 4. A right to “continue living” includes virtually anything that allows a person to avoid death. *See Wainwright v. Witt*, 469 U.S. 412 (1985) (Brennan, J., dissenting). One is living if one has “the capacity to perform certain functional activities including metabolism, growth, reproduction, and some form of responsiveness or adaptability.” *Planned Parenthood of Central New Jersey v. Verniero*, 41 F.Supp. 2d 478, 492 (D.N.J. 1998), *aff’d sub nom Planned Parenthood of Central New Jersey v. Farmer*, 220 F.3d 127 (3d Cir. 2000) (interpreting “living” as it modified

¹² *Id.* at 54:27-37.

¹³ *Id.* at 54:59-55:01.

¹⁴ *Id.* at 55:14-18.

“human fetus” in New Jersey abortion statute), citing Webster’s Third New International Dictionary 1306 (1976).

To this Court, Proponents insist that all of these aspects of a right to continue living are mere hypothetical effects of #149. But to the Title Board, Proponents admitted, for example, a child’s right to all forms of life-saving medication is encompassed within this new constitutional right.¹⁵ As noted above, they also admitted this new right applies to a child in a classroom. Even if the right to continue living is amorphous or yet to be fully defined, one thing is obvious: it is materially distinct from a woman’s constitutional right to choose whether to have an abortion. Proponents admit this bundle of rights persists after birth. Thus, they cannot simply dismiss single subject concerns when they have already admitted their amendment generates a broad set of rights that persist through the entirety of one’s childhood.

This is particularly true given that the text of #149 does not set any limits whatsoever. Had Proponents incorporated specific limits on the expanse of this right, the Court could view the broad statement of the right to continue living in a limited context. *See In re Title, Ballot Title, & Submission Clause for 2009-2010 #24*, 218 P.3d 350, 353-354 (Colo. 2009) (initiative that established a fundamental right to secrecy in voting did not violate the single subject requirement because it was

¹⁵ See footnote 7, *supra*, at 55:30-47.

expressly limited to elections held for purposes of employee representation by unions). But Initiative #149 provides no such guardrails, either for the Title Board or for voters.

A child’s “right to continue living” is an overarching label rather than an initiative subject. It obfuscates this initiative’s termination of a woman’s right to choose to have an abortion by grouping it with a combination of rights that are to belong to every child. An overarching label is not a single subject. “If an initiative advances separate and distinct purposes, the fact that they both relate to the same general concept or subject is insufficient to satisfy the single subject requirement.” *In re Title, Ballot Title, & Submission Clause for 2015-2016 #132*, 2016 CO 55, ¶16.

#149 has separate and distinct purposes. It is akin to the multi-subject measure that sought to change acceptable animal husbandry practices for one category of animal (livestock) while changing other laws that applied to all animals. That initiative ran “the risk of surprising voters with a ‘surreptitious’ change... because voters may focus on one change and overlook the other.” *In re Title, Ballot Title & Submission Clause for 2021-2022 #1*, 2021 CO 55, ¶ 41 (citations and internal quotation marks omitted). As a result, this initiative violated the single subject requirement.

The single subject mandate was adopted to prevent voter surprise in cases where the electorate voted for one element of a ballot measure, only to discover that the measure had diverse or even inconsistent purposes. “Th[e] danger [of surprise] exists where an initiative, although claiming to have a single subject, in reality has multiple purposes, and as a result, voters would not expect that passing the initiative would lead to one or more of the initiative’s outcomes.” *In re Title, Ballot Title, & Submission Clause for 2013-2014 #89*, 2014 CO 66, ¶ 19, 328 P.3d 172, 178.

It is certainly conceivable that the same voter would support children’s rights to life generally and oppose the elimination of women’s constitutional right to an abortion. But this measure, which impliedly repeals Amendment #79, would give that voter no notice of the inconsistent legal changes under consideration.

The issue of abortion has long been recognized by this Court as one of particular voter concern. Before the single subject requirement was even part of our Constitution, this Court considered an initiative whose ballot title failed to state that, for purposes of abortion, life began “at any time after fertilization” – the functional equivalent of #149’s treatment of life beginning for children “at the moment they are conceived.” In the aforementioned case, the new status given to a just-fertilized egg was a significant legal change voters had to understand if they were to knowledgeably cast their ballots.

[T]he legal status of the fetus is one of the central issues in the abortion debate. Neither Colorado statute nor common law has addressed the issue of when life begins. Thus, by defining “abortion” as the termination of pregnancy by “caus[ing] the death of the minor child's unborn offspring at any time after fertilization,” the proposed initiative adopts **a legal standard that is new and likely to be controversial**, even though limited in application to the implementation of the proposed parental notification initiative. Certainly, the voters are entitled to know of **this new standard which will be of significance to all concerned with the issues surrounding the subject of abortion.**

In re Proposed Initiative on Parental Notification of Abortions for Minors, 794 P.2d 238, 242 (Colo. 1990) (emphasis added). If that definition alone was enough to invalidate a ballot title, surely the fact that #149 repeals the right to abortion is important enough that voters would want to consider it on its own merits. To do so, the ancillary rights afforded to any “child” under #149 are separate and apart from that repeal.

The Board’s decision should be upheld on appeal.

D. The Title Board correctly refused to set titles for a measure, a single subject of which it could neither clearly identify or state at rehearing.

The Board cannot find a measure contains a single subject if it cannot discern what the measure actually does. And here, despite its dialogue with proponents as to the language in question in multiple versions of this initiative, the Board did not know what legal changes the measure really entailed.

This limit on the Title Board's authority is a well-settled legal proposition that is consistent with the notion that the single subject of an initiative must be "clearly stated" in the ballot title. Colo. Const., art. I, sec. 5.5. "[W]here the Board has acknowledged that it cannot comprehend the initiatives well enough to state their single subject in the titles, we hold that the initiatives cannot be forwarded to the voters and must, instead, be returned to the proponent." *In re Title & Ballot Title & Submission Clause, and Summary for Initiative 1999-2000 #25*, 974 P.2d 458, 469 (Colo. 1999).

It is not the Board's job to piece together a theory whereby an initiative may be said to comprise a single subject. That responsibility belongs to proponents, based on the language they have used in their measure.

The ultimate responsibility for formulating a clear and understandable proposal for the voters to consider belongs to the proponents of the initiative. When we return the titles and summary to the Title Board for non-compliance with the applicable constitutional and statutory requirements, the Title Board must then determine whether any re-proposal of the initiative complies with the single subject and clarity requirements; if not, it must refuse to set the titles.

In re #29, supra, 972 P.2d at 262.

Here, the Board could not reasonably unify ending the constitutional right to abortion with the blanket guarantee for "continued living" for every child and found

that it lacked jurisdiction to proceed to title setting. This finding was correct and should not be disturbed by this Court.

CONCLUSION

For the reasons stated, the Title Board correctly decided that it lacked jurisdiction to set titles for Initiative #149, and this Court should affirm that decision.

Respectfully submitted this 2nd day of December, 2025.

/s Mark G. Grueskin

Mark G. Grueskin, #14621
RECHT KORNFELD, P.C.
1490 Stout Street, Suite 1400
Denver, CO 80202
Phone: 303-573-1900
Facsimile: 303-446-9400
Email: mark@rklawpc.com,
nate@rklawpc.com

**ATTORNEY FOR RESPONDENT,
KELLY L. PAGE**

CERTIFICATE OF SERVICE

I, Erin Mohr, hereby affirm that a true and accurate copy of the **RESPONDENT’S OPENING BRIEF ON PROPOSED INITIATIVE 2025-2026 #149** was sent electronically via Colo. Courts E-Filing System or by overnight delivery service, this day, December 2, 2025, to the following:

Counsel for the Title Board:
Emily Buckley
Office of the Attorney General
1300 Broadway, 6th Floor
Denver, CO 80203

Designated Representatives of Initiative #149:

Angela Eicher & Tralita Faye Barnhart
c/o East Morgan County Hospital
2400 Edison St.
Brush, CO 80723

/s Erin Mohr