

<p>SUPREME COURT OF COLORADO 2 East 14th Ave. Denver, CO 80203</p>	<p>DATE FILED May 1, 2026 9:34 AM</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 the Title, Ballot Title, and Submission Clause for Proposed Initiative 2025-2026 #283 (“Repeal Constitutional Right to Abortion”)</p> <p>Petitioner: Karen Middleton,</p> <p>v.</p> <p>Respondents: Angela Eicher and Faye Barnhart,</p> <p>and</p> <p>Title Board: Michael Dohr, Kathleen Wallace, Jennifer Sullivan</p>	<p>▲ COURT USE ONLY ▲</p>
<p>Attorneys for Petitioner:</p> <p>Mark G. Grueskin, #14621 Nathan Bruggeman, #39621 Recht Kornfeld, P.C. 1600 Stout Street, Suite 1400 Denver, Colorado 80202 303-573-1900 (telephone) 303-446-9400 (facsimile) mark@rklawpc.com; nate@rklawpc.com</p>	<p>Case Number:</p>
<p>PETITION FOR REVIEW OF FINAL ACTION OF BALLOT TITLE SETTING BOARD CONCERNING PROPOSED INITIATIVE 2025-2026 #283 (“REPEAL CONSTITUTIONAL RIGHT TO ABORTION”)</p>	

Karen Middleton, registered elector of Arapahoe County and the State of Colorado (“Petitioner”), through undersigned counsel, respectfully petitions this Court pursuant to C.R.S. § 1-40-107(2), to review the actions of the Title Setting Board (“Title Board” or “Board”) with respect to the title, ballot title, and submission clause set for Initiative 2025-2026 #283 (“Repeal Constitutional Right to Abortion”).

STATEMENT OF THE CASE

A. Procedural History of Proposed Initiative 2025-2026 #283.

Angela Eicher and Faye Barnhart (“Proponents”) proposed Initiative 2025-2026 #283 (the “Proposed Initiative”). Review and comment hearings were held before representatives of the Offices of Legislative Council and Legislative Legal Services. Thereafter, Proponents submitted final versions of the Proposed Initiative to the Secretary of State for purposes of submission to the Title Board, of which the Secretary or her designee is a member.

A Title Board hearing was held on April 15, 2026, at which time titles were set for 2025-2026 #283. On April 22, 2026, Petitioner filed a Motion for Rehearing, alleging that the Title Board set titles which are misleading and incomplete as they do not fairly communicate the true intent and meaning of the

measure and will mislead voters. The rehearing was held on April 24, 2026, at which time the Title Board denied the Motion for Rehearing.

B. Jurisdiction

Petitioner is entitled to review before the Colorado Supreme Court pursuant to C.R.S. § 1-40-107(2). Petitioner timely filed the Motion for Rehearing with the Title Board. *See* C.R.S. § 1-40-107(1). Additionally, Petitioner timely filed this Petition for Review within seven days from the date of the hearing on the Motion for Rehearing. *See* C.R.S. § 1-40-107(2).

As required by C.R.S. § 1-40-107(2), attached to this Petition for Review are certified copies of: (1) the final version of the initiative filed by the Proponents; (2) the original ballot title set for this measure; (3) the Motion for Rehearing filed by the Petitioner; and (4) the ruling on the Motion for Rehearing as reflected by the title and ballot title and submission clause set by the Board. Petitioner believes that the Title Board erred in denying the Motion for Rehearing. The matter is properly before this Court.

GROUND FOR APPEAL

The titles set by the Title Board violate the legal requirements imposed on the Board because the titles violate the “clear ballot title” requirement by omitting

critical elements of the measure and will mislead voters. The following is an advisory list of issues to be addressed in Petitioners' Opening Brief:

1. Whether the Board violated the clear title requirement by failing to inform voters that the proposed repeal of the constitutional right to abortion removes the constitutional restriction prohibiting all levels of government in the state from denying, impeding, or discriminating against the exercise of that right?

PRAYER FOR RELIEF

Petitioner respectfully requests that, after consideration of the parties' briefs, this Court hold that the titles are legally flawed and direct the Title Board to correct the titles to address the deficiencies outlined in Petitioner's briefs.

Respectfully submitted this 1st day of May, 2026.

s/ Mark G. Grueskin
Mark G. Grueskin, #14621
Nathan Bruggeman, #39621
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ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

I, Leni Charles, hereby affirm that a true and accurate copy of the **PETITION FOR REVIEW OF FINAL ACTION OF BALLOT TITLE SETTING BOARD CONCERNING PROPOSED INITIATIVE 2025-2026 #283 (“REPEAL CONSTITUTIONAL RIGHT TO ABORTION”)** was sent electronically via Colorado Courts E-Filing this day, May 1, 2026, to the following:

Counsel for the Title Board:

Kyle Holter
Office of the Attorney General
1300 Broadway, 6th Floor
Denver, CO 80203

Counsel for the Designated Representatives:

Scott Gessler
Gessler Blue Law Firm
7350 E. Progress Pl., #100
Englewood, CO 80111

/s Leni Charles _____



DATE FILED
May 1, 2026 9:34 AM

STATE OF COLORADO

DEPARTMENT OF
STATE

CERTIFICATE

I, **JENA GRISWOLD**, Secretary of State of the State of Colorado, do hereby certify that:

the attached are true and exact copies of the filed text, fiscal summary, motion for rehearing, and the rulings thereon of the Title Board for Proposed Initiative “2025-2026 #283 ‘Repeal Constitutional Right to Abortion’”

.....

IN TESTIMONY WHEREOF I have unto set my hand
and affixed the Great Seal of the State of Colorado, at the
City of Denver this 24th day of April, 2026.

Jena Griswold

SECRETARY OF STATE



**IN RE: TITLE, BALLOT TITLE, AND SUBMISSION CLAUSE
FOR INITIATIVE 2025 -2026 #283
("REPEAL CONSTITUTIONAL RIGHT TO ABORTION")**

Initiative Proponents: Angela Eicher and Faye Barnhart

&

Objector: Karen Middleton

MOTION FOR REHEARING

By undersigned counsel, Karen Middleton, a registered voter of the County of Arapahoe, objects to the titles set for Initiative #283, pursuant to C.R.S. § 1-40-107(1)(a)(I).

On April 15, 2026, the Title Board set the following ballot title and submission clause for Initiative #283:

Shall there be an amendment to the Colorado Constitution repealing the current constitutional right to abortion?

I. The ballot title is misleading, unfair, and inaccurate.

When Amendment #79 was placed before voters at the 2024 general election, its ballot title read:

Shall there be a change to the Colorado constitution recognizing the right to abortion, and, in connection therewith, prohibiting the state and local governments from denying, impeding, or discriminating against the exercise of that right...."?¹

The language following "in connection therewith" reflected the actual proposed constitutional text that read, "The right to abortion is hereby recognized. Government shall not deny, impede, or discriminate against the exercise of that right, including prohibiting health insurance coverage

¹ The title also asked if voters wanted the Constitution amended to "allow[] abortion to be a covered service under health insurance plans for Colorado state and local government employees and for enrollees in state and local governmental insurance programs." However, this matter is not addressed directly by Initiative #283 and therefore is not address in this Motion.

for abortion.”² In setting a title for Amendment #79, the Title Board considered the initiative’s language about the prohibition against government denying, impeding, or discriminating against the right of abortion and included it in the title to ensure voters understood the scope of the amendment they were being asked to pass.

As Initiative #283 would repeal those protections, voters should know just how far-reaching this new measure is. *See* C.R.S. § 1-40-106(3)(b) (requiring that title “shall unambiguously state the principle of the provision sought to be . . . repealed”). The way to ensure that they have that knowledge is to include it in the ballot title. As such, the existing ballot title should be revised as follows to ensure that voters understand the effects of this proposed repeal:

Shall there be an amendment to the Colorado Constitution repealing the current constitutional right to abortion, and, in connection therewith, allowing the state and local governments to deny, impede, or discriminate against the exercise of that right when the right to abortion is no longer recognized in the state Constitution?

This is the only logical way to provide voters, who are being asked to repeal Amendment #79, with the same information they had when they adopted it. Being as clear and informative as possible is particularly important when dealing with the highly charged issue of abortion. *See In re Title, Ballot Title & Submission Clause for Proposed Initiative on Parental Notification of Abortions for Minors*, 794 P.2d 238, 241-42 (Colo. 1990). The central issue with this proposed repeal is restoring the ability of government to “deny, impede, or discriminate against” the exercise of the right to abortion, and the title should be clear that is what the measure does.

WHEREFORE, in light of the arguments and legal precedent cited above, the Title Board should revise the titles so that they are fair, accurate, and not misleading.

RESPECTFULLY SUBMITTED this 22nd day of April, 2026.

RECHT KORNFELD, P.C.

s/ Mark Grueskin

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² See https://content.leg.colorado.gov/sites/default/files/2024-blue-book-english-accessible.pdf?_gl=1*_2akm91*_ga*NzAzMjc1MjU1LjE3NDAxNzgwMzY.*_ga_V0L3NG2C4C*cze3NzY0NTE3NTcjbzIzNyRnMSR0MTc3NjQ1MTE2NCRqNTMkbDAkaDA.

CERTIFICATE OF SERVICE

I, Erin Mohr, hereby affirm that a true and accurate copy of the **MOTION FOR REHEARING ON INITIATIVE 2025 -2026 #283** was sent this day, April 22, 2026, via email to:

Angela Eicher
Faye Barnhart
Proponents

Emily Burke Buckley
Senior Assistant Attorney General

s/ Erin Mohr

Ballot Title Setting Board

Proposed Initiative 2025-2026 #283¹

The title as designated and fixed by the Board is as follows:

An amendment to the Colorado Constitution repealing the current constitutional right to abortion.

The ballot title and submission clause as designated and fixed by the Board is as follows:

Shall there be an amendment to the Colorado Constitution repealing the current constitutional right to abortion?

Hearing April 15, 2026:

Single subject approved; titles set (3-0).

The Board finds that the proposed initiative only repeals, in whole or in part, a provision of the state constitution and therefore does not require a 55% majority for passage.

Board members: Michael Dohr, Kathleen Wallace, Jennifer Sullivan

Hearing adjourned 6:48 P.M.

¹ Unofficially captioned “**Repeal Constitutional Right to Abortion**” by legislative staff for tracking purposes. This caption is not part of the titles set by the Board.

Ballot Title Setting Board

Proposed Initiative 2025-2026 #283¹

The title as designated and fixed by the Board is as follows:

An amendment to the Colorado Constitution repealing the current constitutional right to abortion.

The ballot title and submission clause as designated and fixed by the Board is as follows:

Shall there be an amendment to the Colorado Constitution repealing the current constitutional right to abortion?

Hearing April 15, 2026:

Single subject approved; titles set (3-0).

The Board finds that the proposed initiative only repeals, in whole or in part, a provision of the state constitution and therefore does not require a 55% majority for passage.

Board members: Michael Dohr, Kathleen Wallace, Jennifer Sullivan

Hearing adjourned 6:48 P.M.

Rehearing April 24, 2026:

Motion for rehearing (Middleton) denied in its entirety (3-0).

Board members: Michael Dohr, Kathleen Wallace, Jennifer Sullivan

Hearing adjourned 9:11 A.M.

¹ Unofficially captioned “**Repeal Constitutional Right to Abortion**” by legislative staff for tracking purposes. This caption is not part of the titles set by the Board.

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

SECTION 1: In the constitution of the state of Colorado, **repeal** section 32 of Article II as follows:

Section 32. Abortion. ~~The right to abortion is hereby recognized. Government shall not deny, impede, or discriminate against the exercise of that right, including prohibiting health insurance coverage for abortion.~~

SECTION 2. This act takes effect December 25, 2026.



Fiscal Summary

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Measure: Initiative 283 – REPEAL CONSTITUTIONAL RIGHT TO ABORTION

Analyst: Clayton Mayfield, clayton.mayfield@coleg.gov, 303-866-5851

Date: April 9, 2026

Fiscal Summary of Initiative 283

This fiscal summary, prepared by the nonpartisan Director of Research of the Legislative Council, contains a preliminary assessment of the measure's fiscal impact. A full fiscal impact statement for this initiative is or will be available at leg.colorado.gov/bluebook. This fiscal summary identifies the following impact.

No Fiscal Impact

Repealing the right to abortion under the state constitution has no fiscal impact on state or local government revenue or expenditures. The measure does not directly affect any other state or local laws on required health coverage or access to abortion services, and it is assumed that current law revenue and expenditures will continue.

Economic Impacts

The measure has no direct impact on the state economy.