

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

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Initiative Proponents: Angela Eicher and Faye Barnhart

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Objector: Karen Middleton

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**MOTION FOR REHEARING**

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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...."?<sup>1</sup>

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

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<sup>1</sup> 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.”<sup>2</sup> 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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<sup>2</sup> See [https://content.leg.colorado.gov/sites/default/files/2024-blue-book-english-accessible.pdf?\\_gl=1\\*\\_2akm91\\*\\_ga\\*NzAzMjc1MjU1LjE3NDAxNzgwMzY.\\*\\_ga\\_V0L3NG2C4C\\*cze3NzY0NTE3NTcjbzIzNyRnMSR0MTc3NjQ1MTE2NCRqNTMkbDAkaDA](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*