

COLORADO TITLE BOARD

IN THE MATTER OF THE TITLE AND BALLOT TITLE AND SUBMISSION CLAUSE
FOR INITIATIVE 2023-2024 #207

MOTION FOR REHEARING

Pursuant to CRS § 1-40-107, I, Erin Lee, a Designated Representative of Initiative 2023-2024 #207, hereby submit this Motion for Rehearing for Initiative 2023-2024 #207. The Title Board has jurisdiction to set title because Initiative 2023-2024 #207 contains only a single subject.

After careful review of the Title Board's decision, I respectfully contest the determination that this initiative constitutes multiple subjects. The proposed initiative, titled Initiative 2023-2024 #207, addresses the fundamental right of parents to consent to medical or mental health treatment for their children. It introduces a new section, CRS § 19-1-132, into the Colorado Revised Statutes, outlining definitions and parameters related to parent's right to consent for the medical or mental health treatment of their child.

The initiative covers a single coherent subject: ensuring the protection of parental rights in healthcare decisions for unemancipated children. Each component of the proposed legislation is directly related to this overarching subject and serves to reinforce the central principle of parental authority in matters concerning the well-being of their children.

This position is supported by case law, which demonstrates that the Colorado Supreme Court expansively interprets the concept of single-subject, so much so that they have ruled that an initiative that subordinated a plurality of rights to the right to a healthy environment was still single-subject. See *Bentley v. Mason (In re Title Ballot Title & Submission Clause for 2015-2016 #63)*, 2016 CO 34, 1, 370 P.3d 628, 630. As stated in the findings, "An initiative will satisfy the rule if it "tends to effect or to carry out one general objective or purpose." Additionally, the Court has stated that "implementation provisions tied to an initiative's central focus do not violate the single-subject requirement." See *Garcia v. Chavez (In re Title, Ballot Title & Submission Clause)*, 4 P.3d 1094, 1099 (Colo. 2000). The concerns raised by the Title Board regarding an alleged multiplicity of subjects were all connected to implementation, which the court has clearly ruled is not a matter relevant to a determination of single-subject.

Furthermore, during the hearing for Initiative 2023-2024 #207, Title Board Member Mr. Kurt Morrison alluded to the idea that he believed the initiative was "logrolling" due to its potential implementation impacts on existing statutes. However, logrolling has been defined by the Colorado Supreme Court as, "the joining together of multiple subjects into a single initiative in the hope of attracting support from various factions which may have different or even conflicting interests." See *In re TITLE*, 898 P.2d 1076, 1079 (Colo. 1995). In other words, having a single-subject initiative that impacts multiple existing statutes is not the same thing as building a coalition with conflicting interests (i.e., logrolling). Again, this concern is an

implementation concern, which is not directly related to the issue of whether the initiative constitutes a single subject.

Therefore, I respectfully contend that the initiative, whose single subject is ensuring the protection of parental rights in healthcare decisions for unemancipated children, does not violate the single-subject rule and should be reconsidered for title approval. I urge the Title Board to review this matter and grant this Motion for Rehearing.

Thank you for your attention to this matter.

Respectfully submitted,

Erin Lee
Designated Representative for Initiative 2023-2023 #207

6787 Hayfield St.
Wellington, CO 80549