

<p>SUPREME COURT OF COLORADO 2 East 14th Ave. Denver, CO 80203</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</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 2023-2024 #142 (“Parental Notification of Gender Incongruence”)</p> <p>Petitioner: Mary Elizabeth Childs,</p> <p>v.</p> <p>Respondents: Lori Gimelshteyn and Erin Lee,</p> <p>and</p> <p>Title Board: Theresa Conley, Jeremiah Berry, and Kurt Morrison</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 style="text-align: center;">PETITION FOR REVIEW OF FINAL ACTION OF BALLOT TITLE SETTING BOARD CONCERNING PROPOSED INITIATIVE 2023-2024 #142 (“PARENTAL NOTIFICATION OF GENDER INCONGRUENCE”)</p>	

Mary Elizabeth Childs (“Petitioner”), registered elector of the County of Douglas and the State of Colorado, 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 with respect to the title, ballot title, and submission clause set for Initiative 2023-2024 #142 (“Parental Notification of Gender Incongruence”).

STATEMENT OF THE CASE

A. Procedural History of Proposed Initiative 2023-2024 #142.

Lori Gimelshteyn and Erin Lee (hereafter “Proponents”) proposed Initiative 2023-2024 #142 (the “Proposed Initiative”). Review and comment hearings were held before representatives of the Offices of Legislative Council and Legislative Legal Services. Thereafter, the 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 February 7, 2024, at which time titles were set for 2023-2024 #142. On February 14, 2024, Petitioner Mary Elizabeth Childs filed a Motion for Rehearing, alleging that Initiative #142 contained multiple subjects, contrary to Colo. Const. art. V, sec. 1(5.5), the Board lacks jurisdiction to set titles, and 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 February 21, 2024, at which time the Title Board granted the Motion for Rehearing only to the extent that the Board made changes to the titles.

B. Jurisdiction

Petitioner is entitled to a 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. 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 draft, amended, and 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 certain aspects of 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 set by the Board 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 Petitioner's brief:

1. Whether the Title Board misrepresented the initiative by stating in the title that notification of a child's gender incongruence must be given to "the parents or legal guardians" of a child when the measure actually requires it to be given to anyone who has "legal custody of a child," a group of persons is not synonymous with "parents or legal guardians."

2. Whether the Title Board misrepresented the initiative by stating in the title that notification of a child's gender incongruence must be given to a child's parents "or" legal guardians when the measure actually requires it to be given to a child's parents *and* legal guardians.

PRAYER FOR RELIEF

Petitioner respectfully requests that, after consideration of the parties' briefs, this Court determine 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 28th day of February, 2024.

s/ Mark G. Grueskin

Mark G. Grueskin, #14621

Nathan Bruggeman, #39621

RECHT KORNFELD, P.C.

1600 Stout Street, Suite 1400

Denver, CO 80202

Phone: 303-573-1900

Facsimile: 303-446-9400

mark@rklawpc.com

nate@rklawpc.com

ATTORNEYS FOR PETITIONERS

CERTIFICATE OF SERVICE

I, Erin Holweger, hereby affirm that a true and accurate copy of the **PETITION FOR REVIEW OF FINAL ACTION OF BALLOT TITLE SETTING BOARD CONCERNING PROPOSED INITIATIVE 2023-2024 #142 (“PARENTAL NOTIFICATION OF GENDER INCONGRUENCE”)** was sent electronically via Colorado Courts E-Filing this day, February 28, 2024, to the following:

Counsel for the Title Board:
Michael Kotlarczyk
Kyle M. Holter
Office of the Attorney General
1300 Broadway, 6th Floor
Denver, CO 80203

And via FedEx Overnight Delivery to:

Lori Gimelshteyn
26463 East Caley Drive
Aurora, CO 80016

And

Erin Lee
6787 Hayfield St.
Wellington, CO 80549

/s Erin Mohr _____