

DATE FILED: April 26, 2024 4:10 PM

<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 #205 (“Parental Notification of Gender Incongruence”)</p> <p>Petitioners: Margaret Bobb, Jonathan Wright, and Janet Wright,</p> <p>v.</p> <p>Respondents: Erin Lee and Lori Gimelshteyn,</p> <p>and</p> <p>Title Board: Theresa Conley, Jeremiah Berry, and Kurt Morrison</p>	
<p>Attorneys for Petitioners:</p> <p>Mark G. Grueskin, #14621 Nathan Bruggeman, #39621 David Beller, #35767 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 #205 (“PARENTAL NOTIFICATION OF GENDER INCONGRUENCE”)</p>	

Margaret Bobb, Jonathan Wright, and Janet Wright (“Petitioners”), registered electors of the State of Colorado, through undersigned counsel, respectfully petition 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 #205 (“Parental Notification of Gender Incongruence”).

STATEMENT OF THE CASE

A. Procedural History of Proposed Initiative 2023-2024 #205.

Erin Lee and Lori Gimelshteyn (hereafter “Proponents”) proposed Initiative 2023-2024 #205 (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 April 3, 2024, at which time titles were set for 2023-2024 #205. On April 10, 2024, Petitioners filed a Motion for Rehearing, alleging that Initiative #205 contained multiple subjects, contrary to Colo. Const. art. V, sec. 1(5.5). The rehearing was held on April 19, 2024, at which

time the Title Board granted the Motion only to the extent that the Board made changes to the titles.

B. Jurisdiction

Petitioners are entitled to a review before the Colorado Supreme Court pursuant to C.R.S. § 1-40-107(2). Petitioners timely filed the Motion for Rehearing with the Title Board. *See* C.R.S. § 1-40-107(1). Additionally, Petitioners 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 Petitioners; and (4) the ruling on the Motion for Rehearing as reflected by the title and ballot title and submission clause set by the Board. Petitioners believe 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 it lacked jurisdiction to set titles for the Initiative. The following is an advisory list of issues to be addressed in Petitioners' brief:

Does Initiative #205 violate the single subject requirement by providing that private schools, receiving federal or state funds, are “public schools” and thus must disclose a student’s gender identity to the student’s parents?

PRAYER FOR RELIEF

Petitioner respectfully requests that, after consideration of the parties’ briefs, this Court determine that the Board lacked jurisdiction to set title and remand with instructions to return the measure to Proponents for lack of jurisdiction.

Respectfully submitted this 26th day of April, 2024.

s/ Mark G. Grueskin
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ATTORNEYS FOR PETITIONERS

CERTIFICATE OF SERVICE

I, Nathan Bruggeman, 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 #205 (“PARENTAL NOTIFICATION OF GENDER INCONGRUENCE”)** was sent electronically via Colorado Courts E-Filing this day, April 26, 2024, to the following:

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/s Nathan Bruggeman