

Amendment __: Constitutional Right to Abortion

Placed on the ballot by citizen initiative • Passes with 55 percent of the vote

1 **Amendment __ proposes amending the Colorado Constitution to:**

- 2 • make abortion a constitutional right in Colorado; and
3 • repeal the existing constitutional ban on state and local government funding for
4 abortion services.

5 **What Your Vote Means**

6 **YES**

7 A “yes” vote on Amendment __ places the
8 right to abortion in the Colorado
9 Constitution and repeals the current ban
10 on state and local funding for abortion
11 services.

12 **NO**

13 A “no” vote on Amendment __ continues
14 the ban on state and local funding for
15 abortion services and maintains the
16 authority of the state legislature to
17 determine the legality of abortion in the
18 state.

19 **Summary and Analysis of Amendment __**

20 **What does Amendment __ do?**

21 Amendment __ makes abortion a constitutional right in Colorado and prohibits state and
22 local governments from denying, impeding, or discriminating against exercising that right.
23 Amendment __ also repeals an existing Colorado constitutional provision banning the use
24 of public funds for abortion services.

25 **What is the legal history of abortion in Colorado and the United States?**

26 Under current Colorado law, a pregnancy may be terminated at any time.

27 Beginning in 1967, Colorado law permitted abortions in specified circumstances, including
28 when the pregnancy would likely result in the death of the pregnant woman and in cases
29 involving rape or incest.

30 In 1973, the U.S. Supreme Court recognized a right to abortion, but allowed individual states
31 to regulate it depending on the stage of pregnancy.

32 In 1984, Colorado voters amended the Colorado Constitution to prohibit the use of state
33 and local government funds to pay or reimburse any person, agency, or facility for an
34 abortion. Colorado law makes exceptions to the funding ban in certain circumstances, such
35 as to prevent the death of a pregnant woman.

1 In 2022, the Colorado legislature placed many rights related to reproductive health care in
2 Colorado statutes, including creating a statutory right to have an abortion.

3 Also in 2022, the U.S. Supreme Court ruled that the U.S. Constitution does not include a right
4 to abortion, and returned the authority of regulating or prohibiting abortions to states.

5 **What restrictions are there on government funding for abortion services and how does** 6 **Amendment ___ change this?**

7 The language added to Colorado’s constitution in 1984 bans public funding for abortion
8 services for:

- 9 • Medicaid, the joint federal and state program that provides health care coverage to
10 low-income individuals; and
- 11 • health insurance plans that are offered to state and local government employees.

12 There are exceptions in federal and state law that allow Medicaid to pay for an abortion
13 when the life of the pregnant woman is in danger or when the pregnancy is the result of
14 rape or incest.

15 Amendment ___ repeals the constitutional ban on public funding for abortion services,
16 potentially allowing state and local money to be used to pay for abortions through Medicaid
17 or state and local government employee health insurance plans. The measure does not
18 guarantee government-provided abortion funding; future decisions on funding abortion
19 services will be made by the Colorado legislature and local governments.

For information on those issue committees that support or oppose the measures on the ballot at the November 5, 2024, election, go to the Colorado Secretary of State’s elections center web site hyperlink for ballot and initiative information:

<https://coloradosos.gov/pubs/elections/Initiatives/InitiativesHome.html>

20 **Arguments For Amendment ___**

21 1) Placing the right to abortion in the Colorado Constitution protects abortion access in
22 Colorado, ensuring abortion will be available in the state regardless of changing political
23 climates. The measure safeguards an individual’s ability to make their own health care
24 decisions, which is a cornerstone of a free society that values individual rights and
25 protects a person’s autonomy over their reproductive choices.

26 2) Colorado’s constitution should not ban funding for health care services; rather,
27 policymakers should have the option to fund the care they believe state residents need.
28 Abortion is an essential component of women’s health care. By removing the funding
29 ban from Colorado’s constitution, Amendment ___ may allow government employees
30 and Medicaid recipients increased access to abortion services.

1 **Arguments Against Amendment ____**

- 2 1) Amendment ____ is extremely broad and could prevent Colorado from passing statutes in
3 the future to regulate or restrict abortion in any way. Placing the right to abortion in
4 Colorado's constitution limits the ability of lawmakers to pass policies preventing
5 abortions later in pregnancies, establishing parental notification laws, or creating
6 safeguards if they are interpreted to impede a woman's right to abortion. Abortion is
7 already legal in Colorado, and a constitutional amendment is not necessary to ensure
8 abortion access in the state.
- 9 2) Many Coloradans are opposed to abortion for personal, religious, and moral reasons.
10 Taxpayers should not be forced to pay for services to which they morally object. State
11 law already allows exceptions for public funding of abortions in cases where the mother's
12 life is in danger. Maintaining the current ban on public funding ensures that taxpayer
13 money is not funding elective abortions.

14 **Fiscal Impact of Amendment ____**

15 The measure will have no fiscal impact to state and local governments, as it places current
16 state law and practices around abortion services into the Colorado Constitution. To the
17 extent that additional abortion-related programs are created from allowing the use of public
18 funds for abortion services, state or local government spending will increase. At this time, no
19 change in spending is estimated, as it will depend on future decisions by the state legislature
20 and local governments.

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22 local governments from denying, impeding, or discriminating against exercising that right.
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28 when the pregnancy would likely result in the death of the pregnant woman and in cases
29 involving rape or incest.

30 In 1973, the U.S. Supreme Court recognized a right to abortion, but allowed states to
31 individually regulate it depending on the stage of pregnancy.

32 In 1984, Colorado voters amended the Colorado Constitution to prohibit the use of state
33 and local government funds to pay or reimburse any person, agency, or facility for an
34 abortion. Colorado law makes exceptions to the funding ban in certain circumstances, such
35 as to prevent the death of a pregnant woman.

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2 Colorado statutes, including creating a statutory right to have an abortion.

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4 to abortion, and returned the authority of regulating or prohibiting abortions to states.

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6 **Amendment ___ change this?**

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8 services for:

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10 low-income individuals; and
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20 **Arguments For Amendment ___**

21 1) Placing the right to abortion in the Colorado Constitution protects abortion access in
22 Colorado, ensuring it will be available regardless of changing political climates. The
23 measure safeguards an individual’s ability to make their own health care decisions, which
24 is a cornerstone of a free society that values individual rights.

25 2) Abortion is an essential component of women’s health care. Amendment ___ may allow
26 increased access to important medical care for Coloradans. Colorado’s constitution
27 should not ban funding for health care; rather, policymakers should have the option to
28 fund the care they believe state residents need.

29 **Arguments Against Amendment ___**

30 1) Amendment ___ is extremely broad and may prevent Colorado from passing statutes in
31 the future to regulate or restrict abortion in any way. Placing the right to abortion in
32 Colorado’s constitution limits the ability of lawmakers to pass policies preventing late

1 stage abortions, establishing parental notification laws, or creating safeguards if they are
2 interpreted to impede a woman’s right to abortion. Abortion is already legal in Colorado,
3 and a constitutional amendment is not necessary to ensure abortion access in the state.

4 2) Many Coloradans are opposed to abortion for personal, religious, and moral reasons.
5 Taxpayers should not be forced to pay for services to which they morally object. State
6 law already allows exceptions for public funding of abortions in cases where the mother’s
7 life is in danger. Maintaining the current ban on public funding ensures that taxpayer
8 money is not funding elective abortions.

9 **Fiscal Impact of Amendment** ____

10 The measure will have no fiscal impact to state and local governments, as it places current
11 state law and practices around abortion services into the Colorado Constitution. To the
12 extent that additional abortion-related programs are created from allowing the use of public
13 funds for abortion services, state or local government spending will increase. At this time, no
14 change in spending is estimated, as it will depend on future decisions by the state legislature
15 and local governments.

Last Draft Comments from Interested Parties

Initiative #89 Constitutional Right to Abortion

Faye Barnhart, representing Colorado Life Initiative:

Dear Legislative Council,

If the arguments in favor of the constitutional amendment are able to say that abortion is essential healthcare, then those opposed should be able to say our position that **abortion is *not* essential healthcare**. It is a debatable argument, and to be fair and unbiased, both sides of the argument should be expressed, along with the reason for our opposition which is that **in every elective abortion a child's life is taken away**. That is a fact. Based on this fact, we oppose the measure. No one is arguing against a free society and individual rights, so that is a very unfair argument in favor of the measure. We could also argue that **the freedom to live is essential to a free society and individual rights, which is why we oppose saying it is a "right" for mothers to kill their children with faces, fingers, toes, and heartbeats prior to birth. Every human being has a right to live free from abuse, molestation, and being painfully poisoned or tortured to death**. Don't you want the right to live? Would you be willing to put in one sentence why we oppose this measure?

Argument against: **Elective abortion is not healthcare; it is not necessary to intentionally take away the lives of children when all lives can be saved.**

Please include both sides of the argument so the public is not railroaded by abortionists spending millions of dollars on this amendment to keep their businesses profiting off a misinformed public, and abused and trafficked women, specifically.

Thank you,
Faye Barnhart

Dick Brown, representing himself:

Draft 3 looks good to me. It is fair and balanced and I think it will be an important objective source of information to voters.
Good work to everyone who helped with the draft.
I have no comments or edits to the draft.

Dick Brown

Last Draft Comments from Interested Parties

Angela Eicher, representing Colorado Life Initiative:

Dear Amanda, Elijah, Matthu, and Shukria,

Thank you for your continued work on the blue book analysis for Initiative 89. What a unique and powerful role you have been assigned to play in how Colorado voters understand this life or death issue.

In regard to the third draft. I suggest one critical piece to include in the arguments against: This proposal gives any person a constitutional right to kill a child at any time prior to birth for any reason without requiring any medical consultation.

We must share this reality in the blue book in order to give voters a truthful and fair representation of Initiative 89. People have been lied to for so many years that despite scientific fact many people do not know that when an abortion occurs, a human child dies. Here is your chance to help bring Colorado back to reality.

Please confirm you have received this email.

Thank you,
Angela Eicher

Marilyn Gore, representing herself:

Dear Legislative Council,

Any constitutional amendment would first have to pass the test of "constitutionality". This amendment unequivocally does not pass that test. The preamble to the Colorado Constitution states: **We, the people of Colorado, with profound reverence for the Supreme Ruler of the Universe, in order to form a more independent and perfect government; establish justice; insure tranquility; provide for the common defense; promote the general welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the "State of Colorado".**

Preamble is something that states the reason and intent for what follows. The crafting of the Colorado Constitution comes out of honor for God and HIS RULE and the intent is to profoundly reverence His rulership through the Colorado Constitution. This proposed amendment violates The Supreme Ruler of the Universe's law.

Therefore this proposed amendment violates not only the Colorado Constitution, but

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Marilyn Gore, representing herself (Cont.):

also the principle founding charter of American government, The Declaration of Independence which states: *We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. That, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.*

NO law or amendment can stand that so flagrantly violates these established standards of governmental law. This proposed amendment does just that in violation of our Creator and the unalienable rights promised by the highest organic law of this country.

This proposed amendment is a **gross malfeasance** against The Colorado Constitution, **the Supreme Ruler of the Universe, our Creator.**

It does NOT promote the general welfare nor secure the blessings of liberty to the tiniest human beings alive in Colorado who certainly also comprise our posterity. Voting Yes on this unconstitutional amendment would certainly constitute a deliberate action destructive of these just and lawful ends.

Marilyn Gore

Thomas Perille, representing Democrats for Life:

Dear Legislative Council Staff,

I don't see any changes to the language from the second draft relating to the Arguments For and Arguments Against the Amendment. None of the issues that I raised during my earlier comments were addressed by the staff.

I have worked with the Legislative Council previously and always considered the staff to be professional and doing their utmost best to provide objective writing and analysis. The work pertaining to the Constitutional Right to Abortion Amendment is a glaring exception.

I have no problem with you writing that the proponents consider abortion "healthcare". This is the opinion of the proponents. However, just because something is a medical

Last Draft Comments from Interested Parties

Thomas Perille, representing Democrats for Life (Cont.):

procedure, it doesn't make it healthcare. A lethal injection for a capital offense is performed by medical professionals using a medical procedure, but it is clearly not healthcare. An elective abortion is a medical procedure performed on a healthy woman with a healthy fetus with the expressed purpose of killing the fetus and terminating the pregnancy. Pregnancy is not a disease. Inducing an intentional human death is not consistent with the textbook/dictionary definition of healthcare.

By including the argument that abortion is "essential healthcare" in the Arguments For but providing no rebutting information in the Arguments Against is unfairly tipping the scale in favor of the Amendment. There should be a bullet point in the Arguments Against explaining that even though abortion is performed by medical professionals using a medical procedure, this defies the conventional understanding of healthcare since a human being is electively killed and pregnancy is not a disease.

Despite uncritically pushing the argument that abortion is healthcare in the Arguments For, you use a different standard to frame the Arguments Against.

On page 2, line 29, you state that the Amendment "may" prevent Colorado from passing future statues and regulations that limit or restrict anyone from exercising their right to abortion. The word "may" is clearly loaded in favor of the proponents. Any objective legal analysis of the Amendment would confirm that restricting abortions late in pregnancy, health/safety regulations pertaining specifically to second and third trimester abortion clinics, and parental notification would be precluded if the measure passes. You should change "may" to "will".

On page 2, line 31 and 32, you use the term "late stage" abortions. This is not a medical term or a term familiar to the public. It is confusing. You should change "late stage" to "late abortions".

You appropriately point out how that the Amendment "limits the ability of lawmakers" to establish parental notification laws but you fail to point out that parental notification is currently the law in Colorado. The Amendment would make repeal of parental notification mandatory. This is taking rights away from parents and needs to be made clear in the Blue Book language. Without parental notification, a teen's peers, teachers, and counselors may have more influence over their daughter than they do. You also don't mention how the elimination of parental notification will facilitate human traffickers and their sex exploitation of teens. This is a striking affront to parental rights that the Blue Book should make clear.

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Thomas Perille, representing Democrats for Life (Cont.):

In page 2, line 32 and page 3, line 1 you discuss the issue of abortion clinic regulation for the health/safety of women seeking abortions. You should point out that there is currently no CDPHE oversight of second and third trimester abortion clinics. Late second and third trimester abortions pose a greater risk to the life of the woman than natural childbirth. The latter is heavily regulated in contrast to the abortion clinics. Media Trackers did an investigation of state regulatory oversight of abortion clinics in 2013 and found that they are unregulated which is in stark contrast to other medical clinics/ambulatory care centers that perform procedures with equal or less risk to the patient.

The abortion proponents consider any regulation of abortion clinics "TRAP" laws. They will have the constitutional authority to prevent any prudent health and safety regulations from being implemented. The Guttmacher institute scores states on their abortion access and considers any abortion clinic regulations infringing on the fundamental right to abortion. The people of Colorado have the right to know that the Amendment will permanently restrain lawmakers from instituting health and safety regulations - even if gross abuses of patient health/safety are documented at abortion clinics. Your framing of the issue - "or creating safeguards if they are interpreted to impede a woman's right to abortion" is biased in favor of the proponents. We know that abortion proponents consider all abortion clinic regulations to "impede" abortion access.

In the Arguments Against you don't mention that abortion would become the only medical procedure or condition that is legally protected in the state constitution. There is not a "right to pregnancy" in the constitution. Coloradoans should know that no conventional healthcare is protected in the constitution. This is a very unusual use of the constitutional amendment process.

Finally, you do the people of Colorado an egregious disservice by stating there will be no fiscal impact of the Amendment. While it is true that lawmakers will have to act after the Amendment passes, one of the primary goals of the Amendment is to start allowing Medicaid to pay for elective abortions. You don't have to state a precise figure on the fiscal impact, but you should point out the fiscal impact of taxpayer funding of abortion in states that have passed similar measures - such as Oregon. This multimillion commitment to abortions needs to be brought to the attention of Colorado voters.

Thanks for your consideration,
Thomas J. Perille MD FACP FHM

Last Draft Comments from Interested Parties

Wendy Smith, representing herself:

Dear Legislative Council Staff,

attached is my response to the third draft addressing Initiative 89, Right to Abortion. thank you again for the opportunity to comment.

Ms. Smith also submitted Attachment A.

Dr. Catherine Wheeler, representing herself:

Dear Legislative Council Staff,

Thank you for the opportunity to comment on and recommend changes to the voter information booklet regarding Initiative 89.

I can't help but notice that the language of the informational booklet strongly favors the "Yes" vote, using words like "protect", and assumptions about abortion being healthcare – which is not generally agreed upon, but politically driven, and biased toward "yes" on the initiative.

I ask that the Blue Book accurately reflect both "yes" and "no" sides. That is the duty of this committee, to educate the voters in an unbiased fashion on the impact of a "yes" or "no" vote on this initiative.

It is the voters' **right** to have all of the accurate information without language that is biased, which would potentially sway voters.

Page 1 – Does not accurately portray what the abortion initiative proposes. A third bullet point should be **added** that states: - "ban any changes in abortion law in Colorado that would be interpreted as denying, impeding or discriminating against access to abortion"

Page 1 Line 15 – should be **edited** to clarify – "except to protect the life of the mother, and in cases of rape and incest." (reference [here](#))

Page 1, Line 18 – **add:** "Colorado law allows for unrestricted abortion at all gestational ages. "No" on the initiative does NOT change the legality of abortion in Colorado."

The language in this section does not clearly explain for the voter, that the legality of abortion is not at stake here – Colorado has among the most liberal abortion laws in the

Last Draft Comments from Interested Parties

Dr. Catherine Wheeler, representing herself (Cont.):

world. This initiative would not change that.

What is at stake is removal of citizen's rights to influence law, and the legislature being banned from passing commonsense revisions to the abortion law, including to protect women when, not if, egregious outcomes occur because there is no oversight, regulation, inspection or licensing for abortion clinics in Colorado– unlike any other healthcare procedures. The language needs to reflect this accurately for the voter. The amendment would also ban any reasonable changes to abortion law regarding late abortions, when the preborn baby is viable outside the womb, and when science irrefutably proves the [pain the fetus experiences](#) during abortion. Dr. Warren Hern, who limits his abortion practice to the second and third trimester, admits that most of the abortions he performs are on healthy women and babies.

Edit to: “maintains the legislature’s authority to pass revisions to the abortion law in response to emerging scientific and safety evidence.”

Page 1, Line 11 – add: This initiative would ban any changes to abortion law in Colorado, which allows unrestricted abortion at all gestational ages.”

Page 1, line 35 – **add** at end of sentence, “and for rape and incest.”

Page 2, line 2 – **add:** “, and removal of fetal rights.”

Page 2, lines 21 – 28. **Delete:** “Abortion is essential component of women’s healthcare.”

Many physicians and healthcare professionals disagree. I am an Ob/Gyn physician, who also performed abortions. Induced abortion is NOT essential healthcare. Healthcare’s goal in prevention, diagnosis, and treatment is to preserve life, prevent disease, treat disease, restore health, and ameliorate suffering. Death of a patient as a “treatment” is NOT healthcare. The [CDC definition](#) (2024) of “legal induced abortion” as “an intervention... intended to terminate a suspected or known ongoing intrauterine pregnancy and that does not result in a live birth.” Additionally, the majority of induced abortions are performed for [social and financial reasons](#), not medical reasons for pathology or disease. Although mainline medical organizations, the abortion industry and advocacy, politicians, and others have repeatedly insisted that abortion is essential healthcare, causing the death of one of our patients is clearly not healthcare. Repeating the phrase “essential healthcare” until people mindlessly repeat it, does not make it true.

Last Draft Comments from Interested Parties

Dr. Catherine Wheeler, representing herself (Cont.):

Additionally, Colorado law has removed all human rights from a class of human beings - the preborn baby, even very wanted babies, with one goal: to allow unrestricted induced abortion at all gestational ages. The impact and harms of this human rights injustice have not yet been fully realized. When those harms are realized, this initiative would ban commonsense revisions to Colorado law.

Page 2, line 23-24. **Delete:** "an individual's ability to make their own health care decisions, which is a cornerstone of a free society that values individual rights." Again, this is very biasing language towards the initiative, and hides what the initiative is about: Abortion.

While I believe we would agree that making our own healthcare decisions is critically important, we all know that abortion is different – and I especially know this as an ex-abortionist. Induced abortion, euphemized as "choice," actually removes another human being's fundamental right to life, a true cornerstone of a free society.

Edit to: "The measure safeguards abortion."

Page 2 line 25-26. **Delete:** "May allow increased access," and **edit to** "will allow".

"May" is deceptive – we all know that it will increase "access" – that is the purpose of this initiative. Voters have the right to know the facts.

Page 2, line 26, **Delete:** "important health care" and **edit to** "abortion."

As written, it deceives the voter, and biases in favor of the amendment by hiding what this is truly about. Just be honest and say what we're talking about... abortion. It is biased to include the "yes" position's value judgement that many of us disagree with factually, Stick with facts.

Page 2, line 30 is not accurate, and is grossly deceptive. This initiative WILL, not "may" prevent. **Delete:** "may" and **edit to:** "will."

Page 2, line 16 is deceptive. This initiative does not "potentially" allow state and local money to be used for abortion. **Delete:** "potentially." **Edit line 16** to: "allows state and local money..."

Page 2, lines 17-18 **Delete:** "The measure does not guarantee government-provided abortion funding", **keep** the section, "Final decisions on funding abortion services will be made by Colorado legislature and local governments."

Last Draft Comments from Interested Parties

Dr. Catherine Wheeler, representing herself (Cont.):

It is deceptive as written, and the voter has the right to be told clearly what the impact is. While the measure would not *guarantee* that abortion funding will occur, we all understand that is the reason behind this initiative – and very clear in the initiative language (Section 1 (e), which claims but does not provide evidence for, “discriminatory and harmful” effects from lack of Medicaid and state/local government employee funding). Because that is the CLEAR GOAL of this initiative, it is deceptive to claim that the funding is “not guaranteed.”

Page 3 line 1: **Delete:** “stage.”

Both “yes” and “no” on this initiative would call these “late abortions.” For clarification of what this REALLY means, since most people I speak with have no idea: **Add:** after “late abortions,” “including in the third trimester on healthy women and babies, when the preborn baby [irrefutably feels pain](#)”

Late abortions are not rare in Colorado. There were nearly 500 of these performed in Colorado last year – 3.2% of Colorado abortions – nearly 3 times the national rate of about 1%.

Page 3, line 4. This language biases people to think that opposition to abortion is only personal, religious or moral, and therefore subjective. As an ex-abortionist, I am opposed now to induced abortion based on the fact that there was a live baby, and I personally killed that baby. With or without religion, personal opinion, or morals - a live baby's life is ended. Fact.

I am also opposed, along with many non-religious people, based on science. In a recent [large international survey](#), 96% of biologists, most of whom were liberal and non-religious, agreed that a new human life begins at sperm-egg fusion. This is not personal, moral or religious. It is a scientific fact.

Edit to: “Many Coloradoans are opposed to abortion for scientific and moral reasons”
Delete the end of that sentence “for personal, religious, and moral reasons.”

Page 3, line 6-7. After “where the mother’s life is in danger”, **add** “and in cases of rape and incest.” (full disclosure, please)

Page 3, after line 8. **Add** a third critical point: “This initiative would allow expansion of state-funded (tax-payor funded) abortion services, possibly including for non-state residents.”

Last Draft Comments from Interested Parties

Dr. Catherine Wheeler, representing herself (Cont.):

The Colorado legislature consistently increases funding and other provisions to expand abortion. Oregon committed \$15 million initially expand abortions – including non-residents (article [here..](#)) I have no doubt that we will follow suit.

Coloradoans have the right to know that this is *allowed* if this initiative passes. I suspect we all know that this is the most likely outcome, and not an over-statement of fact.

Page 3, lines 10-15. The language is completely deceptive. It says there is no fiscal impact. That is simply not true! The voters (and tax-payors who would fund the abortion expansion) have the right to know.

Edit to: “The fiscal impact to state and local governments is not known, and depends on the extent to which the state legislature creates additional abortion-related programs from allowing the use of public funds for abortion services. The change in spending will depend on future decisions by the state legislature and local governments.”

Thank you for your consideration,

Catherine J. Wheeler, MD

To the Legislative Council staff, responding to the third draft for Bluebook addressing pros and cons of the *Constitutional Right to Abortion*.

Thank you for giving yet another opportunity to comment on the draft for the BlueBook addressing Initiative 89.

It is imperative that voters understand that voting “NO” on this initiative does not change current law, current access to abortion. Voting “NO” does not change the legality of abortion in Colorado. It is also imperative that voters understand that, if passed, this amendment would prevent any means to address serious unintended consequences, it removes rational protections for women: removing accountability, oversight, inspection, licensing that all other out-patient surgery centers are held to. There are absolutely no rights afforded for the unborn, and it places minors at risk for exploitation. This amendment would also prevent reasonable changes to our current abortion laws without regard to the advances in science and medicine that have occurred since the 1970s, and more importantly that are yet to be discovered. The [American Medical Association states](#) that healthcare “provides for ongoing review and adjustment in consideration of innovation in medical science and practice to ensure continued, broad public support for the defined threshold of basic care.” Our current abortion laws would allow for such thoughtful review and response to research, however a vote “YES” on this initiative would itself be a barrier for such consideration and adjustment.

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.

Page 1 under defining “Yes” vote, line 11. I recommend clarifying by adding an additional point - that based on the above statement this amendment “*bans any government, state or local, changes in Colorado’s abortion law, (which currently allows unrestricted abortion regardless of gestational age), that could be interpreted as denying, impeding, or discriminating against access to abortion*”. As worded this amendment is terribly broad and could have tremendous negative ramifications going forward. It is far more than just funding.

Page 1 line 15. Clarify - after the ban on state and local funding for abortion services. “*Voting “NO” does not ban or change current funding as written in Colorado law when the mother’s life is endangered, or in situations of rape or incest.*” Voters need to understand our [current abortion law includes these exceptions](#). Voting “NO” on the amendment does not remove any funding for these exceptions, it does not change current funding in Colorado law. As currently worded in this draft it appears a “NO” would ban all funding.

Page 1 line 18. It is imperative to make it clear to voters that current Colorado law permits abortion throughout pregnancy, at any gestational age. Voting “NO” does nothing to change access to abortion regardless of gestational age.

Page 1 line 35 As noted above current law permits funding in situations where the mother’s life is threatened AND in situations involving rape or incest. Therefore, it should be “*and for rape and incest.*” Should be added.

Page 2 line 2 Add, “*at the same time the legislature removed any fetal rights.*”

Page 2 line 16 It is inaccurate to state infer that this initiative potentially allows state and local money to be used to pay for abortion...this should be changed to remove the word potential and state it “allows state and local money to be used”.

Page 2 lines 21-28 This section is unethical, it should be changed to “This amendment safeguards abortion at any time, regardless of gestational age, for any reason, without any barriers, government or otherwise. This amendment is only about abortion. The only right that is ensured is that of the abortion provider and/or facility. It is an oxymoron to say on one hand “policy makers should have the option to fund the care they believe state residents need. At the same time preventing any oversight or accountability to ensure the care is safe and held to the same standards as other outpatient surgery centers.

line 23-24 It is inaccurate if not deceptive to imply that placing the right to abortion in or state constitution safeguards an individual’s ability to make their own health care decisions, which is a cornerstone of a free society that values individual’s rights. Quite the contrary this initiative violates human rights: the right of the unborn, the rights of minors/parents, the rights of women who feel they have no choice due to socioeconomic reasons. It removes freedom to practice your profession according to one’s beliefs when scientifically sound and when there are many in consensus based on science. This initiative does not do anything toward equity in perinatal care and access to full choice. It does nothing to help women address the socioeconomic issues that are compelling her to choose abortion. This initiative is only about ensuring access to abortion without any barriers. It does not ensure the right of any individual to challenge abortion It is insincere to make this an issue about a “free society that values individual rights”. In essence it removes any rights to challenge any access to abortion, period.

Line 26 change from “important health care” to “abortion”. It is not healthcare it is abortion, period.

It is inaccurate to state “Abortion is essential component of women’s healthcare.” Date from Guttmacher and others has shown that 95% of abortions are performed on healthy women, aborting healthy babies for socioeconomic reasons. This statement should be removed. [The American Medical Association’s definition of healthcare](#), includes the following, compared to current abortion law and the impact Initiative 89 will have in ensuring **basic** healthcare, which is essential none:

AMA definition of basic healthcare	Results of current laws and Initiative 89
Is transparent	Vague, board, extensive overreach is far, removes accountability and oversight
Strives to include input from all stakeholders, including the public, throughout the process	If approved and enshrined into the constitution the public will have no

	opportunity to impact change. Any attempt by public or legislators would be considered a barrier to access to abortion
Protects the most vulnerable patients and populations, with special attention to historically disadvantaged groups.	Removes all protection for the unborn, minors/parents, disable, and allows for abortion for sex selection and potentially race. This is a human rights issue. Removes protection for safe and effective care: no licensure, inspection, safety standards, <i>no oversight</i> .
Considers best available scientific data about the efficacy and safety of health care services.	Without oversight or accountability and data collected would be biased toward abortion. Ignores availability of advances in technology (ultrasound, intra-uterine surgery, micro-MRI, anesthesia in the setting of fetal pain, etc.) and, in fact, would be a barrier for funding research that might support opposing literature. Prevents full and transparent publication of data, research and opposing opinions...any potential barriers to access.
Seeks to improve health outcomes to the greatest extent possible, in keeping with principles of wise stewardship.	Presents a barrier to improving outcomes as it removes oversight, accountability and unbiased data collection. Presents a significant barrier for tracking complications and for women to prove malpractice in the absence of ensuring accurate records, access and to records and lack of state intervention, which would be seen as a barrier to access. Stewardship of tax dollars, without accountability, oversight, or transparency is not stewardship at all. It is wide open for abuse and corruption.
Monitors for variations in care that cannot be explained on medical grounds to ensure that the defined threshold of basic care does not have discriminatory impact.	It is impossible to monitor variations in care as there is an absence of accountability and transparency. No requirements or opportunity for open/transparent public or peer review
Provides for ongoing review and adjustment in consideration of innovation in medical science and practice to ensure continued, broad public support for the defined threshold of basic care	Again, without oversight, accountability, or transparency it would be impossible to ensure public or peer ongoing review and adjustment based on medical science and practice.

Page 3 line 1 Both sides would use wording that refers to “late abortions”. Would also clarify that “this includes third trimester when the preborn feels pain”.

Page 3 line 4 This statement implies that many Coloradoans oppose abortion for religious or moral reasons, however in my medical career the goal was to save lives and/or restore health. I oppose abortion because it is an intentional, elective choice to take the life of a baby, an innocent and, in most cases, a healthy life. I understand life from the very first pluripotent stem cell, which carries with it a unique individual DNA, a code that directs every aspect of growth and development from conception on. Yes, this individual depends on the mother for nourishment, but every aspect of growth and development is self-contained, self-directed.

Delete “for personal, religious, and moral reasons”. Rather state, “many Coloradoans are opposed to abortion for scientific and moral reasons.”

Page 3 line 6 and 7 Again, it should be noted that current law allows for public funding in cases where the mother’s life is in danger add “and in the cases of rape and incest.”

Page 3 line 8 Would add that “this initiative would allow for the expansion of tax payer funding for abortion services and possibly include covering the cost for out-of-state residents seeking abortion in Colorado.” Other states have already provided for funding for out-of-state residents. There is nothing in this initiative to protect tax-payers from expanding funding in this situation.

Page 3 line 10-15 There is no built-in protection for tax-payers, nothing to ensure there will be no fiscal impact. Voters have a right to know this. Other states have experienced fiscal impacts. This is an unknown and it should be stated clearly. The wording does not prohibit state and local governments from increased spending and adding greater fiscal burden to Coloradoans.

In summary, Initiative 89 ensures unrestricted abortion at all cost: removing any opportunity to challenge current law based on new scientific/medical evidence; puts every woman/girl at risk of being exposed to unsafe procedures and/or malpractice without recourse; removes the public and legislators from any opportunity to introduce future safety measures, oversight, accountability or reasonable protections in response to negative unintended consequences.

Thank you for allowing me to respond. I hope you will consider my comments. This is a huge effort to amend the state constitution, and as such, you bear a huge responsibility to be transparent and thorough, fair and unbiased. A tough position for sure.

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Initiative 89
Constitutional Right to Abortion
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Initiative 89 Right to Abortion

1 **Ballot Title:**

2 Shall there be a change to the Colorado constitution recognizing the right to abortion, and, in connection
3 therewith, prohibiting the state and local governments from denying, impeding, or discriminating against the
4 exercise of that right, allowing abortion to be a covered service under health insurance plans for Colorado state
5 and local government employees and for enrollees in state and local governmental insurance programs?

6 **Text of Measure:**

7 *Be it enacted by the People of the State of Colorado:*

8 **Section 1. Legislative declaration.** We, the voters of the state of Colorado, hereby find and declare:

9 (a) Colorado has been a leader in affirming the right to abortion since 1967;

10 (b) In 1984, Colorado adopted Amendment 3 which has had the unintended consequences of denying health
11 insurance coverage for abortion services for state and local public employees, even in cases of rape, incest,
12 continuation of a pregnancy that gravely endangers the patient's health, or even when it is clear there is a fatal
13 fetal condition;

14 (c) Amendment 3 also prevents use of health insurance coverage provided through medicaid for abortion
15 services, even when continuing the pregnancy gravely endangers the patient's health or when it is clear there is a
16 fatal fetal condition;

17 (d) In 2022, the United States supreme court reversed the long-standing decision of *Roe v. Wade*, 410 U.S. 113
18 (1973), that had provided federal constitutional protection for abortion rights, leaving decisions about the right
19 to abortion up to policy makers at the state level;

20 (e) In 2024, Colorado voters recognize Amendment 3 has had discriminatory and harmful effects on state and
21 local public employees and those enrolled in state sponsored insurance programs and their families;

22 (f) Voter reversal of this policy is consistent with U.S. supreme court rulings on recognizing equal access to rights,
23 such as the right to vote. *Harper v. Virginia Board of Elections*, 383 U.S. 663 (1966). Therefore, it is timely and
24 appropriate for voters to enact this amendment now.

25 **Section 2.** In the constitution of the state of Colorado, **add** section 32 to Article II as follows:

26 **Section 32. ABORTION**

27 THE RIGHT TO ABORTION IS HEREBY RECOGNIZED. GOVERNMENT SHALL NOT DENY, IMPEDE, OR DISCRIMINATE AGAINST THE EXERCISE OF
28 THAT RIGHT, INCLUDING PROHIBITING HEALTH INSURANCE COVERAGE FOR ABORTION.

29 **Section 3.** In the constitution of the state of Colorado, **repeal** section 50 of article V.