

SUPREME COURT, STATE OF COLORADO

2 East 14th Avenue
Denver, CO 80203

ORIGINAL PROCEEDING PURSUANT TO
§ 1-40-107(2), C.R.S. (2006)Appeal From Ballot
Title Board

IN THE MATTER OF THE TITLE, BALLOT
TITLE AND SUBMISSION CLAUSE FOR 2007-
2008 #36
ELIZABETH ANNISON, ET AL.,

Petitioners,

v.

KRISTINE BURTON AND MARK MEUSER,
PROponents
AND WILLIAM HOBBS, DANIEL CARTIN
AND DANIEL DOMENICO
TITLE BOARD ,

Respondents.

JOHN W. SUTHERS, Attorney General
MAURICE G. KNAIZER, Deputy Attorney
General*
1525 Sherman Street, 7th Floor
Denver, CO 80203
(303) 866-5380
Registration Number: 05264
*Counsel of Record

FILED IN THE
SUPREME COURT

SEP 10 2007

OF THE STATE OF COLORADO
SUSAN J. FESTAG, CLERK

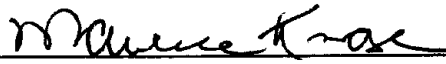
▲ **COURT USE ONLY** ▲

Case No.: 07SA245

NOTICE OF FILING OF RECORD

The Title Board hereby submits a certified copy of the record.

JOHN W. SUTHERS
Attorney General



MAURICE G. KNAIZER, 05264*
Deputy Attorney General
Public Officials
State Services Section
Attorneys for Title Board
*Counsel of Record

CERTIFICATE OF SERVICE

This is to certify that I have duly served the within **NOTICE OF FILING OF RECORD** upon all parties herein by depositing copies of same in the United States mail, Express Mail, postage prepaid, at Denver, Colorado, this 10TH day of September 2007 addressed as follows:

Kara Veitch, Esq.
Edward T. Ramey, Esq.
Isaacson Rosenbaum PC
633 17th Street, Suite 2200
Denver, Colorado 80202

Michael Norton, Esq.
Burns Figa and Will PC
6400 South Fiddlers Green Circle,
Suite 1000
Greenwood Village, Colorado 80111

A handwritten signature in cursive script, appearing to read "Daniel D. D. D.", is written over a horizontal line.



STATE OF COLORADO

DEPARTMENT OF
STATE

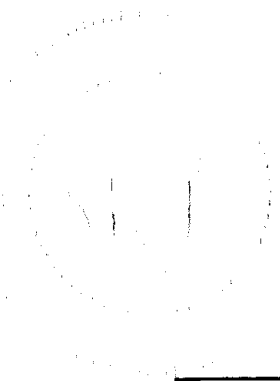
CERTIFICATE

I, **MIKE COFFMAN**, Secretary of State of the State of Colorado, do hereby certify that:

the attached are true and exact copies of the official file thereon of the Title Board on Proposed Initiative "2007-2008 #36".

.....

..... **IN TESTIMONY WHEREOF** I have unto set my hand
and affixed the Great Seal of the State of Colorado, at the
City of Denver this 10th day of August, 2007.

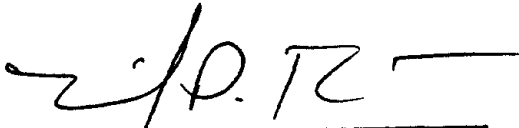


A handwritten signature in black ink, reading "Mike Coffman", is written over a horizontal line.

SECRETARY OF STATE

To: Colorado Secretary of State's Office
1700 Broadway Suite 270
Denver, CO 80290

I, Michael D. Burton, have been appointed by Mark Meuser as a new proponent of the proposed ballot initiative concerning 2007-2008 #36 and I hereby accept this appointment.



Michael D. Burton

8/10/07
Date

17200 ELBERT ROAD
PRYTON, CO 80831
COLORADO PROPERTIES @ YAHOO.COM

RECEIVED

AUG 10 2007

ELECTIONS / LICENSING
SECRETARY OF STATE

OK 10/6/07

To: Colorado Secretary of State's Office
1700 Broadway Suite 270
Denver, CO 80290

I, Mark Meuser, am a proponent of the proposed ballot initiative concerning 2007-2008 #36. I now withdraw my name as a proponent of this initiative and hereby appoint Michael D. Burton as my replacement.

Mark P. Meuser

Mark Meuser

8-10-07

Date

RECEIVED

AUG 10 2007

ELECTIONS / LICENSING
SECRETARY OF STATE

Off 10/6/07

STATE OF COLORADO

Department of State

1700 Broadway
Suite 270
Denver, CO 80290



Mike Coffman
Secretary of State

Holly Lowder
Director, Elections Division

August 3, 2007

Mr. Mark Meuser
P.O. Box 298
Peyton, Colorado 80831

Re: Proposed Initiative 2007-2008 #36 Petition Format

Dear Mr. Meuser:

Our office has reviewed the petition format, 2007-2008 #36, "Definition of Person"* that was submitted on July 25, 2007. The submitted format appears to conform to the applicable statutory requirements as defined in Title 1, Article 40 of the Colorado Revised Statutes and Secretary of State Rules.

The petition format is therefore approved pursuant to C.R.S. 1-40-113 (1).

If you have any questions regarding the process or if our office can be of further assistance, please let us know.

Sincerely,

Cesiah Gomez
Elections Division

cc: Kristi Burton

*Unofficial caption assigned by legislative staff for tracking purposes. Such Caption is not part of the title set by the Board.

Main Number (303) 894-2200
TDD (303) 869-4867
Fax (303) 869-4861

Web Site
E-mail - Elections

www.sos.state.co.us
sos.elections@sos.state.co.us

Cesiah Gomez

From: Ed Ramey [ERamey@ir-law.com]
Sent: Friday, August 03, 2007 8:21 AM
To: Cesiah Gomez
Cc: Kara Veitch
Subject: Initiative 2007-2008 # 36 (Definition of Person)

Hi Cesi - -

Would you please prepare the documents that are required for an appeal from the Title Board to the Supreme Court on Initiative # 36 (Definition of Person)? This would be a certified copy of the petition, titles, submission clause, motion for rehearing, and rulings by the Board.

And please let me know when we can swing by and pick these up.

Thanks...

Ed

Edward T. Ramey
Isaacson Rosenbaum P.C.
633 17th Street, Suite 2200
Denver, CO 80202
Firm: (303) 292-5656
Direct: (303) 256-3978
Fax: (303) 292-3152
Direct Fax: (720) 974-7932
E-mail: eramey@ir-law.com

8/3/2007

Ballot Title Setting Board

Proposed Initiative 2007-2008 #36¹

The title as designated and fixed by the Board is as follows:

An amendment to the Colorado constitution defining the term "person" to include any human being from the moment of fertilization as "person" is used in those provisions of the Colorado constitution relating to inalienable rights, equality of justice, and due process of law.

The ballot title and submission clause as designated and fixed by the Board is as follows:

Shall there be an amendment to the Colorado constitution defining the term "person" to include any human being from the moment of fertilization as "person" is used in those provisions of the Colorado constitution relating to inalienable rights, equality of justice, and due process of law?

Hearing July 18, 2007:

Single subject approved; staff draft amended; titles set.

Hearing adjourned 3:30 p.m.

Hearing August 1, 2007:

Motion for Rehearing denied.

Hearing adjourned 2:56 p.m.

¹ Unofficially captioned "Definition of Person" by legislative staff for tracking purposes. Such caption is not part of the titles set by the Board.



SUMMARY OF BOARD ACTION

Initiative Title Setting Review Board

Wednesday, August 1, 2007, 1:30 p.m.

Secretary of State's Blue Spruce Conference Room

1700 Broadway, Suite 270

Denver, Colorado

The order for the day was:

1. **2007-2008 #36 – “Definition of Person”*** – Rehearing
Commenced 1:31 p.m.; Motion for Rehearing denied; adjourned 2:56 p.m.
2. **2007-2008 #38 – “Prohibition on Certain Conditions of Employment”***
Commenced 3:03 p.m.; single subject approved; staff draft amended; titles set; adjourned 3:23 p.m.
3. **2007-2008 #37 – “Repeal of Colorado Water Resources and Power Development Authority”***
Commenced 3:23 p.m.; at the request of proponents, technical correction allowed in text of measure; single subject approved; staff draft amended; titles set; adjourned 4:00 p.m.

ALL AGENDA ITEMS WERE COMPLETED.

* Unofficial caption assigned by legislative staff for tracking purposes. Such caption is not part of the titles set by the Board.

Sign-Up Sheet

Ed Ranney (for Tara Verkh)	633 12 th St. # 2200 Denver, CO 80202	303-292-5655	✓	66341105
Mark Mousser		720-979-7768	✓	66341105

STATE OF COLORADO

Department of State

1700 Broadway

Suite 270

Denver, CO 80290



Mike Coffman

Secretary of State

Holly Z. Lowder

Director, Elections Division

AGENDA

Initiative Title Setting Review Board

Wednesday, August 1, 2007, 1:30 p.m.

Secretary of State's Blue Spruce Conference Room

1700 Broadway, Suite 270

Denver, Colorado

The order for the day shall be as follows:

1. 2007-2008 #36 - "Definition of Person"* - Rehearing
2. 2007-2008 #38 - "Prohibition on Certain Conditions of Employment"*
3. 2007-2008 #37 - "Repeal of Colorado Water Resources and Power Development Authority"*

AUDIO BROADCASTS NOW AVAILABLE. PLEASE VISIT WWW.SOS.STATE.CO.US AND CLICK ON THE "INFORMATION CENTER".

AGENDA ITEMS NOT COMPLETED AT THE END OF THE DAY WILL BE CONTINUED TO A DATE, TIME, AND PLACE TO BE DETERMINED ON WEDNESDAY, AUGUST 1, 2007.

*** Unofficial caption assigned by legislative staff for tracking purposes. Such caption is not part of the titles set by the Board.**

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STATE OF COLORADO
Department of State
1700 Broadway
Suite 270
Denver, CO 80290



Mike Coffman
Secretary of State

Holly Z. Lowder
Director, Elections Division

July 25, 2007

NOTICE OF REHEARING MEETING

You are hereby notified that the Secretary of State,
Attorney General, and the Director of the Office of Legislative

Legal Services will meet for a rehearing

for a proposed initiative concerning

2007 - 2008 #36*

Wednesday, August 1, 2007 at 1:30 p.m.

Secretary of State's Blue Spruce Conference Room

1700 Broadway, Suite 270

Denver, Colorado

You are invited to attend.

MIKE COFFMAN
Secretary of State

AUDIO BROADCASTS NOW AVAILABLE. PLEASE VISIT WWW.SOS.STATE.CO.US AND CLICK ON THE "INFORMATION CENTER".

MOTION FOR REHEARING TEXT ALSO AVAILABLE ON OUR WEBSITE, LOCATED ON THE INITIATIVE INFORMATION PAGE UNDER "TITLE BOARD FILINGS".

* Unofficially captioned "Definition of Person" by legislative staff for tracking purposes. Such caption is not part of the titles set by the Board.

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JUL 25 2007

HUT
3-58 PM

BALLOT TITLE BOARD

ELECTIONS / LICENSING
SECRETARY OF STATE

MOTION FOR REHEARING

IN RE PROPOSED INITIATIVE FOR 2007-2008 # 36 ("DEFINITION OF A PERSON")

Elizabeth Annison, Ellen Brilliant, Trudy B. Brown, Vicki J. Cowart, Cathryn L. Hazouri, Jacinta Montoya, and Toni Panetta ("Petitioners") being registered electors of the State of Colorado, respectfully submit the following Motion for Rehearing, pursuant to C.R.S. § 1-40-107(1), concerning the actions of the Title Board at the hearing on July 18, 2007, regarding Proposed Initiative for 2007-2008 # 36 ("Definition of a Person"). Petitioners respectfully submit that the proposed initiative violates the single subject requirement of Colo. Const. art. V, § 1(5.5) and C.R.S. § 1-40-106.5, and that the Board does not, therefore, have jurisdiction to set a title. Petitioners also respectfully submit that the title, ballot title and submission clause established by the Title Board are unfair and do not fairly express the true meaning and intent of the proposed constitutional amendment as required by C.R.S. § 1-40-106. In support of this Motion, Petitioners submit the following specific objections:

Violation of Single Subject Requirement

1. The initiative expressly addresses three separate subjects by adding a definition to three different sections of Article II of the Colorado Constitution: Section 3 Inalienable Rights, Section 6 Equality of Justice; and Section 25 Due Process of Law. These sections have no necessary or proper connection as required by C.R.S. § 1-40-106.5(e). As evidence thereof, each right is contained in a separate section of the Article II.

2. Moreover, the proposed initiative does not allow a voter to consider the merits of changing the definition of "person" in each of the sections. Proposed initiatives are required to

have a single subject to prohibit "enlisting in support of the measure the advocates of each measure, and thus securing the enactment of measures that could not be carried upon their own merits." C.R.S. § 1-40-106.5(e)(I). The proposed initiative does not allow each separate change in the Constitution to be considered on its own merits. For example, a voter could desire for the State of Colorado to make a policy statement and recognize that human beings from the moment of fertilization have inalienable rights. But the same voter might not want state funds used to appoint counsel to human beings from the moment of fertilization or grant them the right to bring a lawsuit. Joining these sections also has the precluded effect of "attracting support from various factions which may have different or even conflicting interests." *See In re Proposed Initiative "Public Rights in Waters II"*, 898 P.2d 1076, 1079 (Colo. 1995).

3. The proposed initiative hides the Proponents' stated purpose. At the hearing on July 18, 2007, Proponent Mark Meuser simultaneously stated that the purpose was to establish "personhood" in the unborn and to stop abortions. The proposed initiative says nothing of abortions and thus its hidden purpose violates Colorado law. *In re Proposed Initiative for 2005-2006 # 55*, 138 P.3d 273, 277-78 (Colo. 2006).

Title is Unfair and Misleading

1. The title is misleading because it does not disclose a significant purpose of the proposed initiative. At the Title Board Hearing on July 18, 2007, Proponent Mark Meuser stated that the purpose of the proposed initiative was to establish "personhood" in the unborn and also said that the purpose was to make abortion illegal. The title says nothing of abortion. This is misleading in violation of Colorado law. *See In re Proposed Initiative for 1999-2000 #258(A)*, 4 P.3d 1094, 1099 (Colo. 2000).

Respectfully submitted this 25th day of July, 2007.

ISAACSON ROSENBAUM P.C.

By: Kara Veitch

Kara Veitch, # 32227

633 17th Street, Suite 2200

Denver, CO 80202

Telephone: 303-292-5656

STATE OF COLORADO
Department of State
Civic Center Plaza
1560 Broadway, Suite 200
Denver, CO 80202-5169



Mike Coffman
Secretary of State

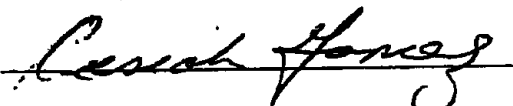
Holly Z. Lowder
Director, Elections Division

RECEIPT

To: Kara Veitch
Date: July 25, 2007
Re: Proposed Initiative 2007-2008 #36
Time: 3:58 p.m.

The Secretary of State's office on this day received from Kara Veitch, a Motion for Rehearing on Proposed Initiative 2007-2008 #36. Your copy of the rehearing notice is attached.

Secretary of State's Office

By 
Cesi Gomez, Administrative Assistant

Main Number (303) 894-2200
TDD (303) 869-4867
Fax (303) 869-4861

Web Site
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Ballot Title Setting Board

Proposed Initiative 2007-2008 #36¹

The title as designated and fixed by the Board is as follows:

An amendment to the Colorado constitution defining the term "person" to include any human being from the moment of fertilization as "person" is used in those provisions of the Colorado constitution relating to inalienable rights, equality of justice, and due process of law.

The ballot title and submission clause as designated and fixed by the Board is as follows:

Shall there be an amendment to the Colorado constitution defining the term "person" to include any human being from the moment of fertilization as "person" is used in those provisions of the Colorado constitution relating to inalienable rights, equality of justice, and due process of law?

Hearing July 18, 2007:

Single subject approved; staff draft amended; titles set.

Hearing adjourned 3:30 p.m.

¹ Unofficially captioned "Definition of Person" by legislative staff for tracking purposes. Such caption is not part of the titles set by the Board.

STATE OF COLORADO

Department of State

1700 Broadway

Suite 270

Denver, CO 80290



Mike Coffman

Secretary of State

Holly Z. Lowder

Director, Elections Division

SUMMARY OF BOARD ACTION

Initiative Title Setting Review Board

Wednesday, July 18, 2007, 2:00 p.m.

Secretary of State's Blue Spruce Conference Room

1700 Broadway, Suite 270

Denver, Colorado

The order for the day was:

1. 2007 -2008 #36 - "Definition of Person"*

*Commenced 2:01 p.m.; single subject approved; staff draft amended; titles set;
adjourned 3:30 p.m.*

* Unofficial caption assigned by legislative staff for tracking purposes. Such caption is not part of the titles set by the Board.

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sos.elections@sos.state.co.us

Presented by
Don Carter
7/18/07

1 An amendment to the Colorado constitution concerning the inclusion of any human
2 being from the moment of fertilization within the definition of a person or persons for
3 purposes of those provisions of the constitution relating to inalienable rights, equality of
4 justice, and due process of law..

5 An amendment to the Colorado constitution concerning ^{the definition of a person} ~~the inclusion of~~ any human
6 being from the moment of fertilization, ~~within the definition of a person or persons~~ ^{to include} for
7 purposes of provisions of the constitution relating to certain fundamental rights, and, in
8 connection therewith, specifying that such definition applies to those provisions on
9 inalienable rights, equality of justice, and due process of law.

STATE OF COLORADO

Department of State

1700 Broadway

Suite 270

Denver, CO 80290



Mike Coffman

Secretary of State

Holly Z. Lowder

Director, Elections Division

AGENDA

Initiative Title Setting Review Board

Wednesday, July 18, 2007, 2:00 p.m.

Secretary of State's Blue Spruce Conference Room

1700 Broadway, Suite 270

Denver, Colorado

The order for the day shall be as follows:

- 1. 2007 –2008 #36 – “Definition of Person”***

AUDIO BROADCASTS NOW AVAILABLE. PLEASE VISIT WWW.SOS.STATE.CO.US AND CLICK ON THE “INFORMATION CENTER”.

AGENDA ITEMS NOT COMPLETED AT THE END OF THE DAY WILL BE CONTINUED TO A DATE, TIME, AND PLACE TO BE DETERMINED ON WEDNESDAY, JULY 18, 2007

*** Unofficial caption assigned by legislative staff for tracking purposes. Such caption is not part of the titles set by the Board.**

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Ballot Title Setting Board

Proposed Initiative 2007-2008 #36¹

The title as designated and fixed by the Board is as follows:

- 1 An amendment to the Colorado constitution concerning defining, for certain
- 2 sections of the Colorado constitution, a person to include any human being from the
- 3 moment of fertilization.

The ballot title and submission clause as designated and fixed by the Board is as follows:

- 4 Shall there be an amendment to the Colorado constitution concerning
- 5 defining, for certain sections of the Colorado constitution, a person to include any
- 6 human being from the moment of fertilization?

¹ Unofficially captioned "**Definition of Person**" by legislative staff for tracking purposes. Such caption is not part of the titles set by the Board.

STATE OF COLORADO
Department of State
1700 Broadway
Suite 270
Denver, CO 80290



Mike Coffman
Secretary of State

Holly Z. Lowder
Director, Elections Division

July 9, 2007

NOTICE OF MEETING

You are hereby notified that the Secretary of State,
Attorney General, and the Director of the Office of Legislative

Legal Services will meet for a hearing
for a proposed initiative concerning

2007 - 2008 #36*

Wednesday, July 18, 2007 at 2:00 p.m.

Secretary of State's Blue Spruce Conference Room

1700 Broadway, Suite 270

Denver, Colorado

You are invited to attend.

Mike Coffman
Secretary of State

AUDIO BROADCASTS NOW AVAILABLE. PLEASE VISIT WWW.SOS.STATE.CO.US AND CLICK ON THE "INFORMATION CENTER".

PROPOSED INITIATIVE TEXT ALSO AVAILABLE ON OUR WEBSITE, LOCATED ON THE INITIATIVE/INFORMATION PAGE UNDER "TITLE BOARD FILINGS".

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STATE OF COLORADO

Department of State

1700 Broadway
Suite 270
Denver, CO 80290



Mike Coffman
Secretary of State

Holly Z. Lowder
Director, Elections Division

RECEIPT

To: Mark Meuser
Date: July 3, 2007
Re: Proposed Initiative 2007-2008 #36
Time: 10:32 a.m.

The Secretary of State's office on this day received Mark Meuser a copy of the original text submitted with the Legislative Council, a copy of the highlighted changes, and the final copy of the text of proposed initiative 2007-2008 #36. Your copy of the notice of hearing is attached.

Secretary of State's Office

By Cesi Gomez

Cesi Gomez, Administrative Assistant

*Final
#36*

Be it Enacted by the People of the State of Colorado:

SECTION 1. Article II of the constitution of the state of Colorado is amended BY THE ADDITION OF A NEW SECTION to read:

Section 31. Person defined. AS USED IN SECTIONS 3, 6, AND 25 OF ARTICLE II OF THE STATE CONSTITUTION, THE TERMS "PERSON" OR "PERSONS" SHALL INCLUDE ANY HUMAN BEING FROM THE MOMENT OF FERTILIZATION.

PROPOSERS:

Kristine Burton
PO Box 298
Peyton, CO 80831
720-979-7768
contact@coloradoequalrights.com
www.coloradoequalrights.com

Mark Meuser
PO Box 298
Peyton, CO 80831
720-979-7768
contact@coloradoequalrights.com
www.coloradoequalrights.com

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JUL 03 2007

ELECTIONS / LICENSING
SECRETARY OF STATE

*10:32 a.m.
W*

*Amended
#36*

Be it Enacted by the People of the State of Colorado:

SECTION 1. Article II of the constitution of the state of Colorado is amended BY THE ADDITION OF A NEW SECTION to read:

Section 31. Person defined. AS USED IN SECTIONS 3, 6, AND 25 OF ARTICLE II OF THE STATE CONSTITUTION, THE TERMS "PERSON" OR "PERSONS" SHALL INCLUDE ANY HUMAN BEING FROM THE MOMENT OF FERTILIZATION.

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RECEIVED

Ch
10:30 AM
JUL 03 2007
ELECTIONS / LICENSING
SECRETARY OF STATE

49

1. Capitalize the words "Enacted", "People", and "State".
2. Adding additional space between paragraphs
3. Adding the words "Section 1"
4. Indenting, adding 2nd space after "Section 31", and adding period after "Person Defined."
5. Adding two spaces after "Person Defined" and bringing text of amendment to that line.
6. Changed font from all caps to small caps
7. Reordering the wording in the amendment to read "AS USED IN SECTIONS 3, 6, AND 25 OF ARTICLE II OF THE STATE CONSTITUTION," rather than "AS USED IN ARTICLE II, SECTIONS 3, 6, AND 25 OF THE COLORADO CONSTITUTION,"
8. Changing the word "WORDS" to the word "TERMS"
9. Changing the word "AND" to the word "OR".

Original #36

Be it enacted by the people of the state of Colorado:
Article II of the constitution of the state of Colorado is amended BY THE ADDITION
OF A NEW SECTION to read:

Section 31. Person defined

AS USED IN ARTICLE II, SECTIONS 3, 6, AND 25 OF THE COLORADO
CONSTITUTION, THE WORDS "PERSON" AND "PERSONS" SHALL INCLUDE
ANY HUMAN BEING FROM THE MOMENT OF FERTILIZATION.

PROPOSERS:

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contact@coloradoequalrights.com
www.coloradoequalrights.com

RECEIVED

JUL 03 2007
ELECTIONS / LICENSING
SECRETARY OF STATE

cb
10:32 a.m.
my



Colorado
Legislative
Council
Staff

Room 029 State Capitol, Denver, CO 80203-1784
(303) 866-3521 FAX: 866-3855 TDD: 866-3472

RECEIVED

JUN 21 2007

ELECTIONS
SECRETARY OF STATE

NOTICE
PUBLIC INITIATIVE HEARING
Tuesday, July 3, 2007

The Colorado Constitution authorizes the registered electors of Colorado to propose changes in the state Constitution and the laws by petition. The original draft of the text of proposed initiated constitutional amendments and laws must be submitted to the General Assembly's legislative research and legal services offices for review and comment. Pursuant to the requirements of Article V, Section 1 (5), Colorado Constitution, the offices must submit comments to proponents at a meeting open to the public.

The directors of the Legislative Council Staff and the Office of Legislative Legal Services will hold a meeting with the proponents of the attached initiative proposal, unless the proposal is withdrawn by the proponents prior to the meeting.

Proposal Number: 2007-2008 #36
Time and Date of Meeting: 10:00 AM, Tuesday, July 3, 2007
Place of Meeting: HCR 0109, State Capitol
Topic of Proposal: Definition of Person

1 Be it enacted by the people of the state of Colorado:
2 Article II of the constitution of the state of Colorado is amended BY THE ADDITION
3 OF A NEW SECTION to read:

4

5 **Section 31. Person defined**

6

7 AS USED IN ARTICLE II, SECTIONS 3, 6, AND 25 OF THE COLORADO
8 CONSTITUTION, THE WORDS "PERSON" AND "PERSONS" SHALL INCLUDE
9 ANY HUMAN BEING FROM THE MOMENT OF FERTILIZATION.

PROPOSERS:

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