

BEFORE THE COLORADO BALLOT TITLE SETTING BOARD

Michele Austin and Rich Guggenheim,
Proponents,

v.

Colorado Title Board

**MOTION FOR REHEARING ON
PROPOSED INITIATIVE 2025-2026 #70**

The Proponents of Proposed Ballot Initiative 2025-2026 #70 seek a rehearing on the Title and Submission clause set by the Title Board on May 7, 2025. The current Title and Submission Clause states:

A change to the Colorado Revised Statutes concerning restricting participation in school sports based on the participant’s sex as determined by their biological reproductive system, and, in connection therewith, requiring a school or athletic association to designate each interscholastic or intramural athletic team or sport as male, female, or coeducational; only allowing participants to compete on the team or sport of their designated sex; creating an exception to allow a female to participate on a team or in a sport designated for males if there is no female team available; prohibiting a government entity, licensing or accrediting organization, or athletic association from entertaining a complaint, opening an investigation, or taking other adverse action against a school for maintaining separate teams or sports for females; and providing the commissioner of education with the authority to enforce the proposed initiative for K-12 school districts.

The phrase “only allowing participants to compete on the team or sport of their designated sex” is misleading, because it indicates that the initiative limits female athletes to participation in designated sports only, and that it limits male athletes to participation in male designated sports only. But the initiative itself allows both

female and male athletes to participate in designated coeducational sports. Therefore,
the phrase should be modified to state:

only allowing participants to compete on a team or sport of their designated
sex or to compete on a coeducational team.

Respectfully submitted this 14th day of May 2025,

GESSLER BLUE LLC

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