

Amendment 62 Application of the Term Person

1 **Amendment 62 proposes amending the Colorado Constitution to:**

- 2 ◆ apply the term "person," as used in the sections of the Colorado bill of
3 rights concerning inalienable rights, equality of justice, and due process
4 of law, to every human being from the beginning of the biological
5 development of that human being.

6 **Summary and Analysis**

7 Like the U.S. Constitution, the Colorado Constitution has a bill of rights. The
8 Colorado bill of rights contains the rights of the people of Colorado and outlines the
9 principles of state government. Amendment 62 addresses the application of the term
10 "person" for sections 3, 6, and 25 of the Colorado bill of rights. These sections
11 concern inalienable rights, equality of justice, and due process of law.

12 ***Inalienable rights.*** Section 3 asserts that all persons have natural, essential, and
13 inalienable rights to enjoy life and liberty, to acquire, possess, and protect property,
14 and to seek and obtain safety and happiness. These rights include the right to
15 survive, the right to defend against threats to safety, the freedom to make
16 independent decisions, and the right to work and obtain economic goods. Inalienable
17 rights are fundamental to all persons and are not created by laws and government.
18 The constitution requires that the government protect these rights, although the
19 government is permitted to limit the exercise of rights as necessary for the welfare and
20 general security of the public.

21 The constitutional provision regarding inalienable rights has been applied by
22 courts, for example, to guarantee the right of an individual to pursue a legitimate trade
23 or business, to acquire property without fear of discrimination, and to travel freely
24 around the state.

25 ***Equality of justice.*** Section 6 requires the courts in Colorado to be open to all
26 persons. If a person's legal rights are violated, this section guarantees that a judicial
27 remedy is available.

28 Courts have determined that this section applies to a variety of circumstances. For
29 instance, individuals are denied equal access to justice if juries are chosen in a
30 discriminatory manner. Additionally, all persons have the same right to use the courts
31 regardless of their financial resources.

32 ***Due process of law.*** Section 25 ensures that no person is deprived of life, liberty,
33 or property without due process of law. Due process of law requires the government
34 to follow consistent procedures before a person's fundamental rights are taken away.
35 The courts have determined, for example, that due process requires the government

1 to provide notice and a fair hearing before detaining a person, taking a person's
2 property, or sentencing a person to death.

3 ***Application of the term "person."*** Sections 3, 6, and 25 of the Colorado bill of
4 rights do not currently address the application of the term "person." Amendment 62
5 applies the term "person" in a manner that extends inalienable rights, equal access to
6 justice, and due process of law from the beginning of biological development. The
7 measure does not define the phrase "the beginning of biological development."

8 **Arguments For**

9 1) Amendment 62 ensures that all human life is afforded equal protection under
10 the law. Currently, this right is not recognized until birth. Amendment 62
11 acknowledges that a new human life is created at the beginning of biological
12 development and gives all human life, whether born or unborn, equal rights and
13 protections.

14 2) The measure may establish the legal foundation to end the practice of abortion
15 in Colorado. The U.S. Supreme Court decision that legalized abortion in the
16 United States found that the unborn were not included in the word "person" as used in
17 the U.S. Constitution. If each human life, from the beginning of biological
18 development, is recognized as a person under Colorado's bill of rights, Amendment 62
19 may provide support for legal challenges to prohibit abortions in Colorado.

20 3) Amendment 62 establishes a legal definition of the term "person" as used in
21 sections 3, 6, and 25 of the Colorado bill of rights. Because these sections do not
22 currently contain a definition of the term "person," interpretation of the word is
23 subjective, which may lead to the rights granted by sections 3, 6, and 25 of the
24 Colorado bill of rights being inconsistently applied.

25 **Arguments Against**

26 1) Amendment 62 may limit the ability of individuals and families to make
27 important health care decisions. The measure could be used to prohibit or limit
28 access to medical care, including abortions for victims of rape or incest, and even
29 when a woman's life is in danger. Amendment 62 may also limit access to emergency
30 contraception, commonly used forms of birth control, and treatment for miscarriages,
31 tubal pregnancies, cancer, and infertility. The amendment may restrict some stem cell
32 research that could lead to life-saving therapies for a variety of disabilities and
33 illnesses.

34 2) Amendment 62 allows government intrusion in the privacy of the doctor-patient
35 relationship and could limit the exercise of independent medical judgment. The
36 measure could restrict a doctor from using certain medical procedures and treatments.
37 Further, "the beginning of biological development" cannot be easily and conclusively
38 pinpointed. Therefore, the measure may subject doctors and nurses to legal action for

Final Draft

1 providing medical care to a woman of child-bearing age if that care could affect a
2 "person" other than the identified patient.

3 3) The effects of Amendment 62's change to the constitution are unclear. The
4 measure applies certain rights from "the beginning of biological development," a term
5 which is not defined within the measure, has no established legal meaning, and is not
6 an accepted medical or scientific term. The legislature and the courts will have to
7 decide how a wide variety of laws, including property rights and criminal laws, will
8 apply from "the beginning of biological development."

9 **Estimate of Fiscal Impact**

10 No immediate impact to state revenue or expenditures is expected because
11 Amendment 62 does not require that any specific actions be taken or services
12 provided. If legislation is adopted, or the courts determine that the measure requires
13 the state to provide new services, state spending may increase.

Leslie Hanks, Personhood Colorado, et al.

Amendment 62 Application of the Term Person

1 **Amendment 62 proposes amending the Colorado Constitution to:**

- 2 ♦ apply the term "person," as used in the sections of the Colorado bill of
3 rights concerning inalienable rights, equality of justice, and due process
4 of law, to every human being from the beginning of the biological
5 development of that human being.

6 **Summary and Analysis**

7 Like the U.S. Constitution, the Colorado Constitution has a bill of rights. The
8 Colorado bill of rights contains the rights of the people of Colorado and outlines the
9 principles of state government. Amendment 62 addresses the application of the term
10 "person" for sections 3, 6, and 25 of the Colorado bill of rights. These sections
11 concern inalienable rights, equality of justice, and due process of law.

12 ***Inalienable rights.*** Section 3 asserts that all persons have natural, essential, and
13 inalienable rights to enjoy life and liberty, to acquire, possess, and protect property,
14 and to seek and obtain safety and happiness. These rights include the right to
15 survive, the right to defend against threats to safety, the freedom to make
16 independent decisions, and the right to work and obtain economic goods. Inalienable
17 rights are fundamental to all persons and are not created by laws and government.
18 The constitution requires that the government protect these rights, although the
19 government is permitted to limit the exercise of rights as necessary for the welfare and
20 general security of the public.

21 The constitutional provision regarding inalienable rights has been applied by
22 courts, for example, to guarantee the right of an individual to pursue a legitimate trade
23 or business, to acquire property without fear of discrimination, and to travel freely
24 around the state.

25 ***Equality of justice.*** Section 6 requires the courts in Colorado to be open to all
26 persons. If a person's legal rights are violated, this section guarantees that a judicial
27 remedy is available.

28 Courts have determined that this section applies to a variety of circumstances. For
29 instance, individuals are denied equal access to justice if juries are chosen in a
30 discriminatory manner. Additionally, all persons have the same right to use the courts
31 regardless of their financial resources.

32 ***Due process of law.*** Section 25 ensures that no person is deprived of life, liberty,
33 or property without due process of law. Due process of law requires the government
34 to follow consistent procedures before a person's fundamental rights are taken away.
35 The courts have determined, for example, that due process requires the government

Leslie Hanks, Personhood Colorado, et al.

1 to provide notice and a fair hearing before detaining a person, taking a person's
2 property, or sentencing a person to death.

3 **Application of the term "person."** Sections 3, 6, and 25 of the Colorado bill of
4 rights do not currently address the application of the term "person." Amendment 62
5 applies the term "person" in a manner that extends inalienable rights, equal access to
6 justice, and due process of law from the beginning of biological development. The
7 measure does not define the phrase "the beginning of biological development."

8 **Arguments For**

9 1) Amendment 62 ensures that all human life is afforded equal protection under
10 the law. Currently, this right is not recognized until birth. Amendment 62
11 acknowledges that a new human life is created at the beginning of biological
12 development and gives all human life, whether born or unborn, equal rights and
13 protections.

14 2) ~~The measure may establish the legal foundation to end the practice of abortion~~
15 ~~in Colorado.~~ COLORADO LAW PROHIBITS THE INTENTIONAL KILLING OF AN INNOCENT
16 PERSON. SO AMENDMENT 62 WILL MAKE EVIDENT THE ILLEGALITY OF ABORTION. The U.S.
17 Supreme Court decision that legalized abortion in the United States ~~found~~ CLAIMED
18 that the unborn were not included in the word "person" as used in the U.S.
19 Constitution. If each human life, from the beginning of biological development, is
20 recognized as a person under Colorado's bill of rights, Amendment 62 may provide
21 support for legal challenges to prohibit abortions in Colorado. THE STATE OF
22 COLORADO HAS THE DUTY TO PROTECT INNOCENT PERSONS WITHIN ITS JURISDICTION. WITH
23 EACH HUMAN LIFE RECOGNIZED AS A PERSON UNDER COLORADO'S BILL OF RIGHTS,
24 AMENDMENT 62 WILL PROVIDE SUPPORT FOR STATES' RIGHTS AND OTHER LEGAL EFFORTS
25 TO PROTECT THE PEOPLE OF COLORADO.

26 3) Amendment 62 establishes a legal definition of the term "person" as used in
27 sections 3, 6, and 25 of the Colorado bill of rights. Because these sections do not
28 currently contain a definition of the term "person," interpretation of the word ~~is~~ HAS
29 BEEN subjective, ~~which may lead to the rights granted by sections 3, 6, and 25 of the~~
30 ~~Colorado bill of rights being inconsistently applied.~~ AND THEREFORE THE PROTECTION OF
31 LAW IS DENIED TO CERTAIN GROUPS OF HUMAN BEINGS. HENCE, AMENDMENT 62 IS NEEDED
32 TO PROVIDE FOR EQUALITY OF JUSTICE FOR ALL.

33 **Arguments Against**

34 1) Amendment 62 may limit the ability of individuals and families to make
35 important health care decisions. The measure could be used to prohibit or limit
36 access to medical care, including abortions for victims of rape or incest, and even
37 when a woman's life is in danger. Amendment 62 may also limit access to emergency
38 contraception, commonly used forms of birth control, and treatment for miscarriages,
39 tubal pregnancies, cancer, and infertility. The amendment may restrict some stem cell

Leslie Hanks, Personhood Colorado, et al.

1 research that could lead to life-saving therapies for a variety of disabilities and
2 illnesses.

3 2) Amendment 62 allows government intrusion in the privacy of the doctor-patient
4 relationship and could limit the exercise of independent medical judgment. The
5 measure could restrict a doctor from using certain medical procedures and treatments.
6 Further, "the beginning of biological development" cannot be easily and conclusively
7 pinpointed. Therefore, the measure may subject doctors and nurses to legal action for
8 providing medical care to a woman of child-bearing age if that care could affect a
9 "person" other than the identified patient.

10 3) The effects of Amendment 62's change to the constitution are unclear. The
11 measure applies certain rights from "the beginning of biological development," a term
12 which is not defined within the measure, has no established legal meaning, and is not
13 an accepted medical or scientific term. The legislature and the courts will have to
14 decide how a wide variety of laws, including property rights and criminal laws, will
15 apply from "the beginning of biological development."

16 **Estimate of Fiscal Impact**

17 No immediate impact to state revenue or expenditures is expected because
18 Amendment 62 does not require that any specific actions be taken or services
19 provided. If legislation is adopted, or the courts determine that the measure requires
20 the state to provide new services, state spending may increase.

LESLIE HANKS, PERSONHOOD COLORADO, ET AL.'S COMMENTS ON LAST DRAFT OF AMENDMENT 62

Arguments For:

1) Amendment 62 ensures that all human life is afforded equal protection under the law. Currently, this right is not recognized until birth. Amendment 62 acknowledges that a new human life is created at the beginning of biological development and gives all human life, whether born or unborn, equal rights and protections.

2) Colorado law prohibits the intentional killing of an innocent person. So Amendment 62 will make evident the illegality of abortion. The U.S. Supreme Court decision that legalized abortion in the United States claimed that the unborn were not included in the word "person" as used in the U.S. Constitution. The state of Colorado has the duty to protect innocent persons within its jurisdiction. With each human life recognized as a person under Colorado's bill of rights, Amendment 62 will provide support for states' rights and other legal efforts to protect the people of Colorado.

3) Amendment 62 establishes a legal definition of the term "person" as used in sections 3, 6, and 25 of the Colorado bill of rights. Because these sections do not currently contain a definition of the term "person," interpretation of the word has been subjective, and therefore the protection of law is denied to certain groups of human beings. Hence, Amendment 62 is needed to provide for equality of justice for all.

Preliminary Comment on Beginning of Biological Development: The Legislative Council has persisted in claiming against all scientific and medical research and common usage of English grammar that the phrase "the beginning of biological development," is "a term which is not defined... and is not an accepted medical or scientific term." So prior to presenting our answers to the council's thirteen questions, we're summarizing references that address this matter first, for both sexual (fertilization) and asexual (twinning, cloning, etc.) human reproduction.

THE BEGINNING OF BIOLOGICAL DEVELOPMENT

1. SEXUAL HUMAN REPRODUCTION:

The following scientific references are provided by medical ethicist Dr. Prof. Dianne N. Irving of Georgetown University who herself writes herein, "Scientifically, the term 'embryo' as it refers to the *sexually* reproduced single-cell human embryo should apply from the biological beginning of that human organism, i.e., at the beginning of the process of fertilization or first contact of the sperm with the oocyte (as documented by Carnegie Stage 1):"

Carnegie Stage 1 Definition: **Embryonic life commences** with fertilization, and hence the **beginning of that process may be taken as the point de depart of stage 1**. Despite the small size (ca. 0.1 mm) and weight (ca. 0.004 mg) of the organism at fertilization, the embryo is "*schon ein individual-spezifischer Mensch*" (Blechsmidt, 1972). ... Fertilization is the procession of events that **begins when a spermatozoon makes**

contact with an oocyte or its investments and ends with the intermingling of maternal and paternal chromosomes at metaphase of the first mitotic division of the zygote (Brackett et al., 1972). Fertilization sensu stricto involves the union of developmentally competent gametes realized in an appropriate environment to result in the formation of a viable embryo (Tesarik, 1986) ... Fertilization requires probably slightly longer than 24 hours in primates (Brackett et al., 1972). In the case of human oocytes fertilized in vitro, pronuclei were formed within 11 hours of insemination (Edwards, 1972). ... Fertilization, which takes place normally in the ampulla of the uterine tube, includes **(a) contact of spermatozoa with the zona pellucida of an oocyte, penetration of one or more spermatozoa through the zona pellucida and the ooplasm, swelling of the spermatozoal head and extrusion of the second polar body**, (b) the formation of the male and female pronuclei, and (c) the beginning of the first mitotic division, or cleavage, of the zygote. ... The three phases (a, b, and c) referred to above will be included here under stage 1, **the characteristic feature of which is unicellularity**. ... [Carnegie Stages of Early Human Embryonic Development, Stage 1, at: <http://nmhm.washingtondc.museum/collections/hdac/stage1.pdf>] (emphases added)

Human development is a continuous process that begins when an oocyte (ovum) from a female is *fertilized* by a sperm (or spermatozoon) from a male. (p. 2); *ibid.*: ... but **the embryo begins to develop** as soon as the oocyte is *fertilized*. (p. 2); *ibid.*: [Single-cell human embryo]: this cell results from the union of an oocyte and a sperm ... **is the beginning of a new human being (i.e., an embryo)**. (p. 2); *ibid.*: **Human development begins** at fertilization, the process during which a male gamete or sperm ... unites with a female gamete or oocyte ... to form a single cell [embryo] . This highly specialized, totipotent cell **marks the beginning of each of us as a unique individual**. (p. 18) ... The usual site of fertilization is the ampulla of the uterine tube [fallopian tube], its longest and widest part. If the oocyte is not fertilized here, it slowly passes along the tube to the uterus, where it degenerates and is reabsorbed. Although fertilization may occur in other parts of the tube, it does not occur in the uterus. ... The embryo's chromosomes sex is determined at fertilization by the kind of sperm (X or Y) that fertilizes the ovum; hence it is the father rather than the mother whose gamete determines the sex of the embryo. [Keith Moore and T.V.N. Persaud, *The Developing Human: Clinically Oriented Embryology* (6th ed. only) (Philadelphia: W.B. Saunders Company, 1998), p. 37] (emphases added)

Human pregnancy begins with the fusion of an egg and a sperm. (p. 3); ... finally, the fertilized egg, now properly called an embryo, must make its way into the uterus (p. 3); ... The sex of the future embryo is determined by the chromosomal complement of the spermatozoon ... Through the mingling of maternal and paternal chromosomes, the [embryo] is a genetically unique product of chromosomal reassortment ... [Bruce M. Carlson, *Human Embryology and Developmental Biology* (St. Louis, MO: Mosby, 1994), p. 31; *ibid.*, Carlson 1999, pp., 2, 23, 27, 32] (emphasis added)

In this text, we begin our description of the developing human with the formation and differentiation of the male and female sex cells or gametes, which will unite at fertilization to **initiate the embryonic development of a new individual**. ... Fertilization takes place in the oviduct [not the uterus]... resulting in the formation of an [embryo] containing a single diploid nucleus. **Embryonic development is considered to begin at this point.**

(p. 1); ... [William J. Larsen, *Human Embryology* (New York: Churchill Livingstone, 1997), p. 17] (emphases added)

Fertilization is an important landmark because, under ordinary circumstances, **a new, genetically distinct human organism is thereby formed.** (p. 5); *ibid.*: *Fertilization* is the procession of events that begins when a spermatozoon makes contact with a secondary oocyte or its investments ... (p. 19); *ibid.*: "The *ill-defined and inaccurate term pre-embryo*, which includes the embryonic disc, is said either to end with the appearance of the primitive streak or ... to include neurulation. The term is not used in this book. [Ronan O'Rahilly and Fabiola Muller, *Human Embryology & Teratology* (New York: WileyLiss, 1994), p. 55] (emphases added)

2. ASEXUAL HUMAN REPRODUCTION

Definition of asexual human reproduction: For example: "...**genetically identical twins are clones** who happened to have received exactly the same set of genetic instructions from two donor individuals, a mother and a father. A form of animal cloning can also occur as a result of artificial manipulation to bring about a type of **asexual reproduction**. The genetic manipulation in this case uses nuclear transfer technology: a nucleus is removed from a donor cell then transplanted into an oocyte whose own nucleus has previously been removed. **The resulting 'renucleated' oocyte can give rise to an individual** who will carry the nuclear genome of only one donor individual, unlike genetically identical twins. ... Nuclear transfer technology was first employed in embryo cloning, in which the donor cell is derived from an early embryo, and has been long established in the case of amphibia. ... Wilmut et al (1997) reported successful cloning of an adult sheep. For the first time, an adult nucleus had been **reprogrammed to become totipotent once more, just like the genetic material in the fertilized oocyte** from which the donor cell had ultimately developed. ... Successful cloning of adult animals has forced us to accept that genome modifications once considered irreversible can be reversed and that **the genomes of adult cells can be reprogrammed by factors in the oocyte to make them totipotent once again.**" [Tom Strachan and Andrew P. Read, *Human Molecular Genetics 2* (New York: John Wiley & Sons, Inc, 1999), pp. 508-509] (emphases added)

COUNCIL QUESTIONS

1. What do you consider to be the most important points that voters should know about the amendment?

The protection of innocent human beings is the paramount purpose of government.

Yet, under the current state of Colorado law, a human being is not considered a person until after they are born (C.R.S. 18-3-101) This discriminatory definition of the term "person" has created an entire class of innocent human beings who are helpless in the eyes of the law.

The Personhood Amendment seeks to rectify this grave injustice by applying the common sense definition of the term "person," as used in Black's Law Dictionary 1178 (8th ed. 2004), that a

"person" is quite simply "[a] human being," to those sections of the Colorado Bill of Rights that concern the fundamental rights of all persons.

Furthermore, the Personhood Amendment will clarify that there is no point in the biological development of a human being, when that human being is not a person worthy of human rights and dignity under the law of Colorado.

2. What information do you think should be included in the background section of the ballot analysis?

We would like the background section of the ballot analysis to point out that under Colorado law, Due Process of Law (Section 25) includes Equal Protection.

Equal protection means that Colorado must apply the law equally and cannot give preference to one person or class of persons over another.

Since 1980, the Colorado Supreme Court has interpreted Section 25 to guarantee equal protection of the laws under rules very similar to those applied under the federal Equal Protection Clause. Whereas, Colorado cannot define the meaning of the term "person" under the federal Equal Protection Clause, it can define it for purposes of applying the equal protection of Colorado state laws. (*Heninger v. Charnes*, 613 P.2d 884, 886 n.3 (Colo. 1980).

Lastly, in the "Arguments For" section of the 2008 Blue Book for Amendment 48, it was listed that "Currently these rights are not given until birth". As the rights we are dealing with are inalienable rights, they could never be given or taken away, so we prefer the word that is used be "recognized" so that currently these inalienable rights are not recognized until after birth.

3a. If the amendment were to pass, how do you think its effects would be implemented?

When the Personhood Amendment passes, the amended constitution would require that the Colorado Supreme Court apply the constitutionally mandated definition of the term "person" to all sections of the Colorado Revised Statutes that affect equality of justice, inalienable rights, and due process of law (including equal protection) when challenged.

A specific example of how the amendment could be implemented would be through litigation similar to that of the *Colorado vs. Logan Lage* case (08CA0617), where the Colorado Court of Appeals held that C.R.S. 18-3-101 did not apply to preborn children, and therefore the state was not allowed to prosecute the defendant on a count of homicide for killing an 8.5 month old preborn child. When the amendment passes, 18-3-101 would have to be reconciled with the new definition of the term person so that the protection of the law applies equally to preborn human beings as it does to born human beings.

Another method of implementation would be for a father whose child is in danger of being killed in utero, to challenge the constitutionality of 18-3.5-102 as a violation of Sections 3, 5, and 25 of the Colorado Constitution. The text of the statute defining the unlawful termination of a pregnancy contains the following exclusion, which the court would now have to hold violates the state constitution as amended:

"Nothing in this article shall permit the prosecution of a person for providing medical treatment, ~~including but not limited to an abortion~~, in utero treatment, or treatment resulting in live birth, to a pregnant woman for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which consent is implied by law."

3b. What examples might be used to illustrate the effects of the amendment?

Colorado law prohibits the intentional killing of an innocent person. So the illegality and unconstitutionality of abortion will be evident. All businesses that specialize in the killing of human beings before birth would be outlawed. Ethical standards that currently allow the intentional killing of one human being at the request of another would have to be reformed. "Research" and "medical treatments" that result in the intentional killing of human beings would be proscribed by law.

Do you foresee any unintended consequences if the amendment were to pass?

No. The law already recognizes the preborn child as possessing property, inheritance, and certain entitlement rights (such as Social Security benefits) before birth, so that the peripheral effect of the Personhood Amendment would not unsettle the law outside of the area of intentional killing. Furthermore, for nearly two hundred years of American history, the child in the womb was considered a person with vested rights, and yet when abortion was mandated upon the states by the United States Supreme Court there was no legislative quagmire. If there was no chaos when the preborn child was stripped of its personhood, there should be none when the preborn child's rights are again recognized.

5. How do you think the term "the beginning of the biological development of [a] human being" should be described in the analysis? How would you differentiate that term from other terms such as fertilization or conception?

The term "the beginning of the biological development of [a] human being" should be described **an inclusive term used for the purpose of protecting the human rights of all living innocent human beings – not just some of them**. Thus, even the youngest and most vulnerable human beings would be protected from the moment they begin to exist as human *organisms*. Such protection is based on the *nature* of the human organism *as a human being*, rather than on various popular psychological or physical functions, including the ability to survive on one's own, criteria that could really only be attributed to "normal" adult human beings. The term would not include mere human cells -- only human organisms (including the single-cell human organism). It would also not include non-human animals.

Since the **purpose of the term is to include all living innocent human beings**, the terms "fertilization" and "conception" would not suffice, and would essentially lead to legal loopholes. As has been known scientifically for over a hundred years, human beings can be reproduced both sexually and asexually. The term **"fertilization"** applies only to human sexual reproduction, and would thus not cover all asexually reproduced human beings (including *naturally occurring* human identical twins reproduced within a woman's body). The term **"conception"** would likewise

refer to human sexual reproduction only. Further, in many states, the term "conception" is already legally defined as "beginning at implantation" (5-7 days post-fertilization), rather than as "beginning at fertilization". The 5-7 day old human embryo reproduced sexually and already existing for almost a week would not be covered by such legislation. Thus, the terms "fertilization" and "conception" would not cover any human beings asexually reproduced, and in some states would not cover even sexually reproduced human beings until after implantation.

6. How do you think that the moment at which "the beginning of the biological development of [a] human being" would be determined? What effects would the method of determination have on the implementation of the law?

Scientifically, it is quite simple to determine when a human being begins to exist, and techniques for accomplishing this have been used for many decades in many fields of medical and scientific endeavor. **The scientific basis for these tests and assays is that a thing acts or functions according to "what" it is, or the "kind" of thing it is.** Thus, e.g., there are many scientific tests and assays that can detect when specifically *human* proteins and enzymes are produced that only a human *organism* is capable of producing. Mere human "cells" that are not human organisms could not produce these same specifically human proteins and enzymes; they could produce only limited number of mere "cell" proteins and enzymes. For example, the single-cell human organism is capable of producing specifically human proteins and enzymes immediately when he/she begins to exist, whereas a normal human somatic cell is only capable of producing a very limited number and kind of proteins and enzymes. Again, a human sperm or human oocyte can only produce proteins and enzymes peculiar to their roles as sperm or oocyte.

These tests and assays are already used routinely in many private and state laboratories and clinics, so such determinations would create no burden to the implementation of the law.

7. What information would you provide to help voters better understand the term "the beginning of the biological development of [a] human being"?

The tiniest boys and girls (since gender is established immediately), from the beginning of their existence, will not be protected. Voters are already wary of how legal loopholes have been used in the law for years for purposes of leaving out of consideration or for discriminating against certain classes of human beings on the basis of sex, physical and/or mental dependency or abilities, race, etc. – and age. As noted above, the term "the beginning of the biological development of [a] human being" is used in order to guarantee to the voters that such legal loopholes will no longer be used to deny inherent human rights to any class of human beings. Voters might consider the logical consequences of defining a "person" only in terms of his/her *current ability to survive on his or her own*. This mis-definition of "person" would automatically leave out of "personhood" even the following *adult* human beings: the mentally ill, the mentally retarded, the psychologically damaged, the comatose, severe drug addicts, the frail elderly, those with severe nerve damage, paraplegics, etc. Unless the term "person" is defined in terms of the nature of a human being from the first moment of his/her existence, then such psychological or physical mis-definitions of a "person" as noted would clearly leave more innocent human beings, including many adults, out of "personhood" than many voters realize.

8. Are there specific terms that you believe should or should not be used in the ballot analysis, such as fertilized egg, fetus, embryo, zygote, pre-born, unborn, etc.? Please explain your reasoning concerning the use of such terms.

I have noted below both scientifically accurate and scientifically inaccurate terms, and have provided specific objective scientific references from internationally accepted and recognized human embryology and human molecular genetics texts for those terms that voters might not be familiar with or that are often mis-defined.

** As noted above, **the terms "fertilization" and "conception" should not be used** in the ballot analysis, as they would fail to cover all asexually reproduced human beings, as well as many sexually reproduced human beings. The analysis should include both sexually and asexually reproduced human beings.

** The term **"human personhood"** means the legal recognition of every human being's full status as a human person, including all the rights that accrue thereto, that applies to all human beings, irrespective of age, health, function, physical or mental dependency or method of reproduction, from the beginning of their biological development as human beings.

As noted above, the term **"person"** is defined on the basis of "what" something is – its nature – rather than on any specific psychological or physical functions or abilities that would apply only to "normal" adult human beings. The term "person" should also not be defined as a **"potential" or "possible" human being**. Rather, it applies to an already existing human being. Nor should the term "person" apply to any **non-human animals** (such as apes, dogs, pigs, chickens, etc.).

** The term **"human being"** is defined as any organism, including the single-cell human embryo, irrespective of the method of reproduction, who possesses a genome specific for and consistent with an individual member of the human species.

** The term **"human organism"** is defined as an individual living human being, including the single-cell human embryo, who can react to stimuli, reproduce, grow, and maintain homeostasis.

** The term **"human cell"** is defined as the structural, functional and biological unit of all human organisms; a part of a larger whole, with restricted function and role.

** The term **"human genome"** is defined as the *total amount of nuclear and extra-nuclear DNA genetic material* that constitutes an organism as an individual member of the human species — including the single-cell human embryo. [See quotes from human molecular genetics texts]:

Tom Strachan and Andrew P. Read, *Human Molecular Genetics 2* (New York: John Wiley & Sons, Inc, 1999): "The **human genome** is the term used to describe the **total genetic information (DNA content) in human cells. It really comprises two genomes: a complex nuclear genome ... , and a simple mitochondrial genome ...**

Mitochondria possess their own ribosomes and the few polypeptideencoding genes in the mitochondrial genome produce mRNAs which are translated on the mitochondrial ribosomes. (p. 139); In animal cells, **DNA is found in both the nucleus**

and the mitochondria. (p. 10); The mitochondria also have ribosomes and a limited capacity for protein synthesis." (p. 18)

Benjamin Lewin, *Genes VII* (New York: Oxford University Press, 2000): "A **genome** consists of **the entire set of chromosomes for any particular organism**, and therefore comprises a series of DNA molecules, each of which contains a series of many genes. The ultimate definition of a genome is to determine the sequence of the DNA of each chromosome. (p. 4); ... **Genes not residing within the nucleus are generally described as extranuclear**; they are transcribed and translated in the same organelle compartment (mitochondrion or chloroplast) in which they reside. By contrast, nuclear genes are expressed by means of cytoplasmic protein synthesis." (p. 81)

** The term "**fertilized egg**" is a scientific misnomer, is very misleading, and should not be used. A "fertilized egg" is no longer an "egg"; it is a new existing single-cell human organism, a human being, a human embryo at Stage 1 of the *Carnegie Stages of Early Human Embryonic Development*. Speaking of term that have "no scientific usefulness":

The term "egg" is best reserved for a nutritive object frequently seen on the breakfast table. (emphases added, see the *Carnegie Stages of Early Human Embryonic Development* <http://nmhm.washingtondc.museum/collections/hdac/stage1.pdf>)

** Scientifically, there is **no such thing as a "pre-embryo"**, and the term should not be used. The term was formally rejected by the international nomenclature committee on human embryology years ago. [See Ronan O'Rahilly and Fabiola Muller, *Human Embryology & Teratology* (New York: Wiley-Liss, 2001, pg. 88)]:

The term '**pre-embryo**' is not used here for the following reasons: (1) it is ill-defined because it is said to end with the appearance of the primitive streak or to include neurulation; (2) it is inaccurate because purely embryonic cells can already be distinguished after a few days, as can also the embryonic (not preembryonic!) disc; (3) it is unjustified because the accepted meaning of the word embryo includes all of the first 8 weeks; (4) it is equivocal because it may convey the erroneous idea that a new human organism is formed at only some considerable time after fertilization; and (5) it was introduced in 1986 'largely for public policy reasons' (Biggers).

** The term "**human embryo**" defines all human beings from the beginning of the embryonic phase of their biological development through eight weeks of development, irrespective of age, health, function, physical or mental **ability, disability or dependence**, or method of reproduction, whether *in vivo* or *in vitro*.

Scientifically, the term "**embryo**" as it refers to the *sexually* reproduced single-cell human embryo should apply from the biological beginning of that human organism, i.e., at the *beginning* of the process of fertilization or first contact of the sperm with the oocyte (as documented by Carnegie Stage 1). It should not apply *only* to the later single-cell embryo developed at the end of the process of fertilization, i.e., the "**zygote**". The term "zygote" applies only to the developing human being at Stage 1c of the Carnegie Stages. Before the formation of

the "zygote" the developing human embryo is referred to at Stage 1a as the "penetrated oocyte", and at Stage 1b as the "ootid". [See Stage 1 of the *Carnegie Stages of Early Human Embryonic Development*, at: <http://nmhm.washingtondc.museum/collections/hdac/stage1.pdf>]:

Embryonic life commences with fertilization, and hence **the beginning of that process may be taken as the *point de depart* of stage 1**. Despite the small size (ca. 0.1 mm) and weight (ca. 0.004 mg) of the **organism** at fertilization, the **embryo** is "*schon ein individual-spezifischer Mensch*" (Blechsmidt, 1972). ... Fertilization is the procession of events that begins when a spermatozoon makes contact with an oocyte or its investments and ends with the intermingling of maternal and paternal chromosomes at metaphase of the first mitotic division of the zygote (Brackett et al., 1972). Fertilization *sensu stricto* involves the union of developmentally competent gametes realized in an appropriate environment to result in the formation of an **embryo** (Tesarik, 1986) ... Fertilization, **which takes place normally in the ampulla of the uterine tube**, includes (a) contact of spermatozoa with the zona pellucida of an oocyte, penetration of one or more spermatozoa through the zona pellucida and the ooplasm, swelling of the spermatozoal head and extrusion of the second polar body, (b) the formation of the male and female pronuclei, and (c) the beginning of the first mitotic division, or cleavage, of the zygote. ... **The three phases (a, b, and c) referred to above will be included here under stage 1, the characteristic feature of which is unicellularity.** (emphases added)

As scientifically documented by all human molecular genetics texts, the term "**embryo**" as it refers to the *sexually* reproduced human embryo should apply from the biological beginning of that human organism, i.e., when the state of differentiation of the DNA in a mere cell/s has reverted to that of an embryonic organism (rather than just a "cell"). [See, e.g., Tom Strachan and Andrew P. Read, *Human Molecular Genetics 2* (New York: John Wiley & Sons, Inc, 1999), pp. 508-509]:

Animal clones occur naturally as a result of [i.e., derived from] sexual reproduction. For example, genetically identical twins are clones who happened to have received exactly the same set of genetic instructions from two donor individuals, a mother and a father. A form of animal cloning can also occur as a result of artificial manipulation to bring about a type of **asexual reproduction. The genetic manipulation in this case uses **nuclear transfer technology**: a nucleus is removed from a donor cell then transplanted into an oocyte whose own nucleus has previously been removed. The resulting 'renucleated' oocyte can give rise to an individual who will carry the nuclear genome of only one donor individual, unlike genetically identical twins. **The individual providing the donor nucleus and the individual that develops from the 'renucleated' oocyte are usually described as "clones", but it should be noted that they share only the same nuclear DNA; they do not share the same mitochondrial DNA, unlike genetically identical twins.** ... Wilmut et al (1997) reported successful cloning of an adult sheep. For the first time, **an adult nucleus had been reprogrammed to become totipotent once more, just like the genetic material in the fertilized oocyte from which the donor cell had ultimately developed.** ... Successful cloning of adult animals has forced us to accept that genome modifications once considered irreversible can be reversed and that **the genomes of adult cells can be reprogrammed by factors in the oocyte to make them totipotent once again.** (emphases added)**

The term "**embryo**" should also apply to all developing human beings from their biological beginning through 8 weeks of development, whether *in vivo* or *in vitro*, whether sexually or asexually reproduced. The term "fetus" should apply to all developing human beings from the beginning of 9 weeks of development through birth. [See Ronan O'Rahilly and Fabiola Muller, *Human Embryology & Teratology* (New York: Wiley-Liss, 1994), p. 55]:

Prenatal life is conveniently divided into two phases: the embryonic and the fetal. The embryonic period proper during which the vast majority of the named structures of the body appear, occupies the first 8 postovulatory weeks. ... [T]he fetal period extends from 9 weeks to birth.

** The term "**human fetus**" defines all human beings from the beginning of the fetal period of their biological development (the beginning of nine weeks) through birth; irrespective of age, health, function, physical or mental **ability, disability or dependence**, or method of reproduction, whether *in vivo* or *in vitro*. ** A woman is normally "**pregnant**" with a new human embryo when fertilization has taken place within her fallopian tube. It is only when a woman undergoes artificial reproductive techniques that she is "pregnant" when an already existing embryo is implanted into her uterus. [See the following human embryology texts describing human *sexual* reproduction]:

Human development is a continuous process that begins when an oocyte (ovum) from a female is *fertilized* by a sperm (or spermatozoon) from a male. (p. 2); *ibid.*: ... but **the embryo begins to develop** as soon as the oocyte is *fertilized*. (p. 2); *ibid.*: [Single-cell human embryo]: this cell results from the union of an oocyte and a sperm ... **is the beginning of a new human being (i.e., an embryo)**. (p. 2); *ibid.*: **Human development begins** at fertilization, the process during which a male gamete or sperm ... unites with a female gamete or oocyte ... to form a single cell [embryo] . This highly specialized, totipotent cell **marks the beginning of each of us as a unique individual**. (p. 18) ... The usual site of fertilization is the ampulla of the uterine tube [fallopian tube], its longest and widest part. If the oocyte is not fertilized here, it slowly passes along the tube to the uterus, where it degenerates and is reabsorbed. Although fertilization may occur in other parts of the tube, it does not occur in the uterus. ... The embryo's chromosomes sex is determined at fertilization by the kind of sperm (X or Y) that fertilizes the ovum; hence it is the father rather than the mother whose gamete determines the sex of the embryo. [Keith Moore and T.V.N. Persaud, *The Developing Human: Clinically Oriented Embryology* (6th ed. only) (Philadelphia: W.B. Saunders Company, 1998), p. 37].

Human pregnancy begins with the fusion of an egg and a sperm. (p. 3); ... finally, the fertilized egg, now properly called an embryo, must make its way into the uterus (p. 3); ... The sex of the future embryo is determined by the chromosomal complement of the spermatozoon ... Through the mingling of maternal and paternal chromosomes, the [embryo] is a genetically unique product of chromosomal reassortment ... [Bruce M. Carlson, *Human Embryology and Developmental Biology* (St. Louis, MO: Mosby, 1994), p. 31; *ibid.*, Carlson 1999, pp., 2, 23, 27, 32]

In this text, we begin our description of the developing human with the formation and differentiation of the male and female sex cells or gametes, which will unite at fertilization to **initiate the embryonic development of a new individual**. ... Fertilization takes place in the oviduct [not the uterus]... resulting in the formation of an [embryo] containing a single diploid nucleus. **Embryonic development is considered to begin at this point**. (p. 1); ... [William J. Larsen, *Human Embryology* (New York: Churchill Livingstone, 1997), p. 17].

Fertilization is an important landmark because, under ordinary circumstances, **a new, genetically distinct human organism is thereby formed**. (p. 5); *ibid.*: *Fertilization* is the procession of events that begins when a spermatozoon makes contact with a secondary oocyte or its investments ... (p. 19); *ibid.*: "The *ill-defined and inaccurate term pre-embryo*, which includes the embryonic disc, is said either to end with the appearance of the primitive streak or ... to include neurulation. The term is not used in this book [Ronan O'Rahilly and Fabiola Muller, *Human Embryology & Teratology* (New York: WileyLiss, 1994), p. 55].

Carnegie Stage 1 Definition: **Embryonic life commences** with fertilization, and hence the **beginning of that process may be taken as the point de depart of stage 1**. Despite the small size (ca. 0.1 mm) and weight (ca. 0.004 mg) of the organism at fertilization, the embryo is "schon ein individual-spezifischer Mensch" (Blechs Schmidt, 1972). ... Fertilization is the procession of events that **begins when a spermatozoon makes contact with an oocyte or its investments** and ends with the intermingling of maternal and paternal chromosomes at metaphase of the first mitotic division of the zygote (Brackett et al., 1972). Fertilization sensu stricto involves the union of developmentally competent gametes realized in an appropriate environment to result in the formation of a viable embryo (Tesarik, 1986) ... Fertilization requires probably slightly longer than 24 hours in primates (Brackett et al., 1972). In the case of human oocytes fertilized in vitro, pronuclei were formed within 11 hours of insemination (Edwards, 1972). ... Fertilization, which takes place normally in the ampulla of the uterine tube, includes **(a) contact of spermatozoa with the zona pellucida of an oocyte, penetration of one or more spermatozoa through the zona pellucida and the ooplasm, swelling of the spermatozoal head and extrusion of the second polar body**, (b) the formation of the male and female pronuclei, and (c) the beginning of the first mitotic division, or cleavage, of the zygote. ... **The three phases (a, b, and c) referred to above will be included here under stage 1**, the characteristic feature of which is unicellularity. ... [Carnegie Stages of Early Human Embryonic Development, Stage 1, at: <http://nmhm.washingtondc.museum/collections/hdac/stage1.pdf>]

** Some continue to try to explain the early development of human embryos and human fetuses in terms of the "**biogenetics law**". There is no such thing as the "biogenetics law", and the term has been formally scientifically rejected for decades. [See Ronan O'Rahilly and Fabiola Muller, *Human Embryology & Teratology* (3rd ed.)(New York: Wiley-Liss, 2001), pg. 16]:

Recapitulation, the So-Called Biogenetic Law. The theory that successive stages of individual development (ontogeny) correspond with ({"recapitulate"}) successive adult ancestors in the line of *evolutionary descent* (phylogeny) became popular in the

nineteenth century as the so-called biogenetic law. **This theory of recapitulation, however, has had a "regrettable influence on the progress of embryology"** (G. de Beer). ... According to the "laws" of von Baer, general characters (e.g., brain, notochord) appear in development earlier than special characters (e.g., limbs, hair). Furthermore, during its development an animal departs more and more from the form of other animals. Indeed, the early stages in the development of an animal are not like the adult stages of other forms but resemble only the early stages of those animals. The pharyngeal clefts of vertebrate embryos, for example, are neither gills nor slits. Although a fish elaborates this region into gill slits, in reptiles, birds, and mammals it is converted into such structures as the tonsils and the thymus. (emphases added)

9. What are the strongest arguments in favor of the amendment (in order of priority)?

The Personhood Amendment will recognize in law the fact that all human beings are created equal and are possessed of certain inalienable rights. The fact that these rights are inalienable means that the government has committed a grave miscarriage of justice in stripping away the rights of an entire class of human beings. The Personhood Amendment will rectify this error by restoring the protection of the law to all human beings at every stage of their biological development.

The Personhood Amendment will end abortion, and outlaw only those chemicals, procedures, and research that intentionally destroy human beings. It will also force the medical community, pharmaceutical companies, abortion proponents, and population control advocates to honestly categorize chemicals as either contraceptive, in which case the amendment would not affect them, or abortifacients in which case the amendment would prohibit them.

In 2009, Colorado Court of Appeals Judge Connelly wrote that the definition of the word "person" is "an area that cries out for new legislation." Currently the law does not protect the preborn child against crimes against their person, but it does allow them certain property, inheritance, and other rights. Far from introducing uncertainty into the interpretation of the law, the Personhood Amendment would simplify the interpretation of our laws invalidating any law that discriminates against a human being in the exercise of their fundamental rights simply because of their age or stage of development.

10. What are the strongest arguments against the amendment (in order of priority)?

It will end the lucrative business of abortion.

It will limit the ability of individuals, including irresponsible fathers, rapists, and perpetrators of incest, from using abortion as a method of delayed contraception.

It will limit the ability of a born person from getting away with the killing of a preborn person.

11. Are you aware of other entities that will likely support the amendment? Oppose the amendment?

Support: Individuals of good conscience throughout the state as well as organizations that believe in fighting for an end to abortion right now. Every single preborn child in the state of Colorado.

Oppose: Organizations that make billions of dollars from abortion such as Planned Parenthood, NARAL, NOW, and the ACLU, as well as organizations that claim to want to wait for a future date to try to end abortion, and who also make millions of dollars from claiming to try to end abortion.

12. What other individuals should be included in the review of the ballot analysis? None.

13. Are there any additional comments that you would like to add that were not addressed by our questions?

No.

SPECIFIC QUESTIONS FOR PROPONENTS

1. Why were Sections 3, 6, and 25 of Article II of the Colorado constitution specified in the amendment? They encapsulate the foundational rights and liberties of individuals with regards to their bodily integrity.

2. Why were other sections of the constitution in which the term "person" appears excluded?

The amendment is intended to restore fundamental rights to a class of human beings that currently do not enjoy those rights. These rights and duties of individuals are enumerated in the Bill of Rights, which is applicable to all other laws of the State of Colorado.

Some Sections are omitted because they simply do not apply to the class of human beings that our state has currently stripped of their rights. For example, the freedom to worship (Sec. 4) and practice a particular religion does not apply to an embryo, neither does the freedom from warrantless searches (Sec. 7) and seizures of the papers and possessions of a person, nor the protection against a prosecution without an indictment of that person (Sec. 8.) Although all of those rights are also necessary to a free society, they are all predicated on the right to be born.

Fofi Mendez, NO on 62 Campaign

Amendment 62 Application of the Term Person

1 **Amendment 62 proposes amending the Colorado Constitution to:**

- 2 ◆ apply the term "person," as used in the sections of the Colorado bill of
3 rights concerning inalienable rights, equality of justice, and due process
4 of law, to every ~~human being from the beginning of the biological~~
5 ~~development of that human being~~ FERTILIZED EGG.

6 **Summary and Analysis**

7 Like the U.S. Constitution, the Colorado Constitution has a bill of rights. The
8 Colorado bill of rights contains the rights of the people of Colorado and outlines the
9 principles of state government. Amendment 62 addresses the application of the term
10 "person" for sections 3, 6, and 25 of the Colorado bill of rights. These sections
11 concern inalienable rights, equality of justice, and due process of law.

12 ***Inalienable rights.*** Section 3 asserts that all persons have natural, essential, and
13 inalienable rights to enjoy life and liberty, to acquire, possess, and protect property,
14 and to seek and obtain safety and happiness. These rights include the right to
15 survive, the right to defend against threats to safety, the freedom to make
16 independent decisions, and the right to work and obtain economic goods. Inalienable
17 rights are fundamental to all persons and are not created by laws and government.
18 The constitution requires that the government protect these rights, although the
19 government is permitted to limit the exercise of rights as necessary for the welfare and
20 general security of the public.

21 The constitutional provision regarding inalienable rights has been applied by
22 courts, for example, to guarantee the right of an individual to pursue a legitimate trade
23 or business, to acquire property without fear of discrimination, and to travel freely
24 around the state.

25 ***Equality of justice.*** Section 6 requires the courts in Colorado to be open to all
26 persons. If a person's legal rights are violated, this section guarantees that a judicial
27 remedy is available.

28 Courts have determined that this section applies to a variety of circumstances. For
29 instance, individuals are denied equal access to justice if juries are chosen in a
30 discriminatory manner. Additionally, all persons have the same right to use the courts
31 regardless of their financial resources.

32 ***Due process of law.*** Section 25 ensures that no person is deprived of life, liberty,
33 or property without due process of law. Due process of law requires the government
34 to follow consistent procedures before a person's fundamental rights are taken away.
35 The courts have determined, for example, that due process requires the government

Fofi Mendez, NO on 62 Campaign

1 to provide notice and a fair hearing before detaining a person, taking a person's
2 property, or sentencing a person to ~~death~~ PRISON.

3 ***Application of the term "person."*** Sections 3, 6, and 25 of the Colorado bill of
4 rights do not currently address the application of the term "person." Amendment 62
5 applies the term "person" in a manner that extends inalienable rights, equal access to
6 justice, and due process of law from the beginning of biological development. The
7 ~~measure does not define the phrase "the beginning of biological development."~~ THE
8 COLORADO BILL OF RIGHTS DOES NOT CONTAIN A SPECIFIC DEFINITION OF "PERSON,"
9 HOWEVER, COLORADO LAW APPLIES THAT TERM TO HUMAN BEINGS FROM BIRTH UNTIL
10 DEATH. AMENDMENT 62 ADOPTS A NEW AND EXPANDED DEFINITION OF THE WORD "PERSON"
11 AND EXTENDS INALIENABLE RIGHTS, EQUAL ACCESS TO JUSTICE, AND DUE PROCESS OF LAW
12 TO "PERSONS" FROM "THE BEGINNING OF BIOLOGICAL DEVELOPMENT." THE MEASURE DOES
13 NOT DEFINE THE PHRASE "THE BEGINNING OF BIOLOGICAL DEVELOPMENT." THE PHRASE
14 "BEGINNING OF BIOLOGICAL DEVELOPMENT" IS NOT AN ACCEPTED SCIENTIFIC OR MEDICAL
15 TERM, AND DOES NOT REFER TO ANY SPECIFIC POINT IN THE PROCESS OF HUMAN
16 REPRODUCTION.

17 **Arguments For**

18 1) Amendment 62 ensures that all human life is afforded equal protection under
19 the law. Currently, this right is not recognized until birth. Amendment 62
20 acknowledges that a new human life is created at ~~the beginning of biological~~
21 ~~development~~ FERTILIZATION and gives all human life, whether born or unborn, equal
22 rights and protections.

23 2) The measure may establish the legal foundation to end the practice of abortion
24 in Colorado. The U.S. Supreme Court decision that legalized abortion in the
25 United States found that the unborn were not included in the word "person" as used in
26 the U.S. Constitution. If each ~~human life, from the beginning of biological~~
27 ~~development~~, FERTILIZED EGG is recognized as a person under Colorado's bill of rights,
28 Amendment 62 may provide support for legal challenges to prohibit abortions in
29 Colorado.

30 3) Amendment 62 establishes a legal definition of the term "person" as used in
31 sections 3, 6, and 25 of the Colorado bill of rights. Because these sections do not
32 currently contain a definition of the term "person," interpretation of the word is
33 subjective, which may lead to the rights granted by sections 3, 6, and 25 of the
34 Colorado bill of rights being inconsistently applied.

35 **Arguments Against**

36 1) ~~Amendment 62 may limit the ability of individuals and families to make~~
37 ~~important health care decisions. The measure could be used to prohibit or limit~~
38 ~~access to medical care, including abortions for victims of rape or incest, and even~~
39 ~~when a woman's life is in danger. Amendment 62 may also limit access to emergency~~
40 ~~contraception, commonly used forms of birth control, and treatment for miscarriages;~~

Fofi Mendez, NO on 62 Campaign

1 ~~tubal pregnancies, cancer, and infertility. The amendment may restrict some stem cell~~
2 ~~research that could lead to life-saving therapies for a variety of disabilities and~~
3 ~~illnesses. AMENDMENT 62 GOES TOO FAR, IS TOO VAGUE AND WOULD HARM THOSE MOST~~
4 ~~AT RISK. THE MEASURE WILL LIMIT OR PROHIBIT ACCESS TO MEDICAL CARE, INCLUDING~~
5 ~~ABORTION, FOR VICTIMS OF RAPE OR INCEST, AND FOR WOMEN WHOSE LIFE OR HEALTH IS IN~~
6 ~~DANGER. AMENDMENT 62 WOULD ALSO BAN THE USE OF EMERGENCY CONTRACEPTION,~~
7 ~~COMMONLY USED BIRTH CONTROL, AND TREATMENT FOR MISCARRIAGES, TUBAL~~
8 ~~PREGNANCIES, CANCER, AND INFERTILITY. THE AMENDMENT COULD RESTRICT STEM CELL~~
9 ~~RESEARCH THAT MAY LEAD TO LIFE-SAVING THERAPIES FOR A VARIETY OF DISABILITIES AND~~
10 ~~ILLNESSES.~~

11 2) ~~Amendment 62 allows government intrusion in the privacy of the doctor-patient~~
12 ~~relationship and could limit the exercise of independent medical judgment. The~~
13 ~~measure could restrict a doctor from using certain medical procedures and treatments.~~
14 ~~Further, "the beginning of biological development" cannot be easily and conclusively~~
15 ~~pinpointed. Therefore, the measure may subject doctors and nurses to legal action for~~
16 ~~providing medical care to a woman of child-bearing age if that care could affect a~~
17 ~~"person" other than the identified patient. AMENDMENT 62 WOULD INVITE GOVERNMENT~~
18 ~~INTRUSION INTO OUR PERSONAL LIVES BY EXTENDING FULL CONSTITUTIONAL PROTECTIONS~~
19 ~~TO FERTILIZED EGGS. THE MEASURE WOULD INTRODUCE VAGUE AND CONFUSING LANGUAGE~~
20 ~~INTO THE COLORADO CONSTITUTION, CREATING A LONG AND COSTLY LEGAL NIGHTMARE FOR~~
21 ~~COLORADO TAXPAYERS.~~

22 3) ~~The effects of Amendment 62's change to the constitution are unclear. The~~
23 ~~measure applies certain rights from "the beginning of biological development," a term~~
24 ~~which is not defined within the measure, has no established legal meaning, and is not~~
25 ~~an accepted medical or scientific term. The legislature and the courts will have to~~
26 ~~decide how a wide variety of laws, including property rights and criminal laws, will~~
27 ~~apply from "the beginning of biological development." THE VAGUE LANGUAGE OF~~
28 ~~AMENDMENT 62 WOULD CREATE MYRIAD UNINTENDED LEGAL CONSEQUENCES, CLOGGING UP~~
29 ~~THE COURTS AND IMPACTING THOUSANDS OF EXISTING COLORADO LAWS FOR YEARS TO~~
30 ~~COME. THE MEASURE WILL EXPOSE DOCTORS, NURSES AND OTHER HEALTHCARE~~
31 ~~PROFESSIONALS TO LEGAL ACTION FOR PROVIDING MEDICAL CARE TO WOMEN OF~~
32 ~~CHILDBEARING AGE.~~

33 **Estimate of Fiscal Impact**

34 No immediate impact to state revenue or expenditures is expected because
35 Amendment 62 does not require that any specific actions be taken or services
36 provided. If legislation is adopted, or the courts determine that the measure requires
37 the state to provide new services, state spending may increase.

FOFI MENDEZ, NO ON 62 CAMPAIGN'S COMMENTS ON LAST DRAFT OF AMENDMENT 62

July 22, 2010

Clare Pramuck
Amendment 62
Team Lead
Colorado Legislative Council
mailto:amend62@state.co.us

Dear Ms. Pramuck,

Please accept the following comments on the Third Draft of the Legislative Council Ballot Analysis for Amendment 62. These comments have been compiled from a number of persons working with the NO on 62 Committee, a registered issue committee, which opposes this initiative.

First we would like to thank Legislative Council for its thoughtful review of our issues and concerns summarized on both the First and Second Drafts. Although many of our concerns have been addressed, we would like to take this opportunity to reiterate these concepts, as well as propose suggested changes.

Attached you will find a copy of the *Medical and Scientific Perspective on Amendment 62*, adopted by the American Congress of Obstetricians and Gynecologists, Colorado Section to further emphasize our points articulated below.

Issue 1, Resolved: Use of word “define” when describing the purpose of Amendment 62

The No on 62 Committee strongly opposes the use of the word “define” when expressing the purpose of Amendment 62. Stating that Amendment 62 “defines” the term “person” implies that “person” is not a commonly understood and well established term in Colorado, as well as federal, law. By referring to the measure as defining “person,” you incorrectly imply that the term “person” needs clarification.

We believe that it is accurate to state that Amendment 62 is modifying or redefining the commonly accepted term “person” for purposes of the Colorado Constitution.

A more accurate statement of the purpose of Amendment 62 is clearly expressed in the ballot title and submission clause designated and fixed by the Title Setting Board on August 9, 2009:

Shall there be an amendment to the Colorado constitution applying the term "person," as used in those provisions of the Colorado constitution relating to inalienable rights, equality of justice, and due process of law, to every human being from the beginning of the biological development of that human being?

The Title accurately reflects the intent of Amendment 62, which is to “apply” the commonly accepted term “person,” as that term is “used” in specific provisions of the Colorado Constitution, to human beings from the beginning of their biological development. Therefore we would respectfully request that the word “define” not be used.

The No on 62 Committee extends its appreciation for more clearly summarizing the intent of Amendment 62 throughout the Summary and Analysis and referring to the section "application of the term ‘person’” more appropriately.

Issue 2: Use of the word “person”

The application of the word “person” is in question in Amendment 62. Placing quotation marks around the word “person” more clearly outlines the intent of Amendment 62, which is to establish a new and greatly expanded definition of the word “person,” currently not acknowledged legally or medically. Quotation marks set the phrase apart from the rest of the text, and help voters identify it as new language specific to this ballot measure.

Issue 3: Use and definition of the phrase “beginning of the biological development”

The phrase “the beginning of biological development” has no specific meaning in the context of human embryology. It is not an accepted scientific, medical, or legal term and does not establish any specific point in the process of human reproduction. Because the term does not contain either scientific or medical applications, and is not legally defined, the NO on 62 Committee believes it is more appropriate to use the more commonly understood term, “fertilized egg,” in all references.

Issue 4: Application of the term “person” section

For purposes of state and federal law, the term “person” means a human being from birth and not before. *See, e.g.,* C.R.S. § 18-3-101 (2) (definition of “person”). Voters should be clearly informed that redefining the term “person” and applying that new definition to Sections 3, 6, and 25 of the Colorado Bill of Rights would require a change in existing, established state and federal law.

As such, on page 2 lines 4 through 8, we suggest the following changes to the section, “Application of the term “person”:

Application of the term "person." The Colorado bill of rights does not contain a specific definition of “person,” however, Colorado law applies that term to human beings from birth until death. Amendment 62 adopts a new and expanded definition of the word “person” and extends inalienable rights, equal access to justice, and due process of law to “persons” from the beginning of biological development. The measure does not define the phrase "the beginning of biological development." The phrase “the beginning of biological development” is not an accepted scientific or medical term, and does not refer to any specific point in the process of human reproduction.

Issue 5: Arguments Against (Overview)

The reasons to oppose Amendment 62 are as follows:

- 1) Amendment 62 goes too far, is vague and harms those most at risk. (paragraph1)

Therefore, we feel it is important to define the impacts of the measure by articulating ways that Amendment 62 would impact the circumstances and daily lives of Coloradans:

1. Amendment 62 goes too far, is too vague and would harm those most at risk. The measure will limit or prohibit access to medical care, including abortion, for victims of rape or incest, and for women whose life or health is in danger. Amendment 62 would also ban the use of emergency contraception, commonly used birth control, and treatment for miscarriages, tubal pregnancies, cancer and infertility. The amendment could restrict stem cell research that may lead to life-saving therapies for a variety of disabilities and illnesses.

2) The Amendment Invites Government Intrusion into our Personal and Private lives by extending Full Constitutional Rights to Fertilized Eggs (paragraph 2)

The No on 62 Committee would like to stress the vagueness of the amendment and its potential harm to those most at risk. We also underscore the importance that the Blue Book “Arguments Against” clearly reflecting the intent of this amendment – to provide legal and constitutional rights to fertilized eggs. The phrase, “the beginning of biological development,” has no specific meaning in the context of human embryology and is not an accepted scientific, medical, or legal term. As such, we stress the importance of not mischaracterizing the amendment to the voters by using the phrase “the beginning of biological development,” and not referring to the amendment as “defining” a person. We suggest the following changes:

2. Amendment 62 would invite government intrusion into our personal lives by extending full constitutional protections to fertilized eggs. The measure would introduce vague and confusing language into the Colorado Constitution, creating a long and costly legal nightmare for Colorado taxpayers.

3) Amendment 62 Creates Unintended Legal Consequences. (paragraph 3), we suggest the following changes to reflect that Amendment 62 includes terms not legally or medically established:

3. The vague language of Amendment 62 would create myriad unintended legal consequences, clogging up the courts and impacting thousands of existing Colorado laws for years to come. The measure will expose doctors, nurses and other healthcare professionals to legal action for providing medical care to women of childbearing age.

Issue 6: Points of Clarification

Page 2, line 3, strike, “sentencing a person to death” to “sentencing a person to prison.”

The printed statement made some members of the coalition uncomfortable and seems to unnecessarily import unrelated, and incendiary, political concepts.

Thank you for your time and consideration. If you have questions or concerns, please contact me at 720-530-6914 or fofi@mendezconsultinginc.com.

Sincerely,



Fofi Mendez
Campaign Director
NO on 62 Committee

FOFI MENDEZ, NO ON 62 CAMPAIGN'S COMMENTS ON LAST DRAFT OF AMENDMENT 62

Medical and Scientific Perspective on Amendment 62 from the American Congress of Obstetricians and Gynecologists, Colorado Section

The following represents an overview of the medical/scientific position on Amendment 62.

In Summary:

1. Medical and scientific evidence - as represented by 1) current peer-reviewed journals, 2) reference texts, and 3) medical/scientific curriculum, are not consistent with Amendment 62.

The phrase “the beginning of biologic development” is not an accepted scientific or medical term, and does not refer to any specific point in the process of human reproduction.

The growth of an egg and sperm into a newborn baby is an extremely complex process; the majority of fertilized eggs (egg and sperm that have joined together) do not develop into a newborn baby. In normal, fertile couples, as many as 70% of fertilized eggs do not implant into the uterine wall, and 15% of documented pregnancies (via positive pregnancy test and/or ultrasound showing a pregnancy) result in a spontaneous miscarriage.

2. Current medical and scientific practices/procedures that involve the term “person” as defined by Amendment 62, and would be banned or highly regulated if Amendment 62 was to be adopted:

In vitro fertilization (currently 1% of all babies born in the U.S. are conceived via IVF)

Treatment of spontaneous miscarriage

Treatment of ectopic pregnancy

Treatment of molar pregnancy

Embryonic stem cell research

Safe, legal abortion for any reason (elective, fetal anomaly, pregnancy due to rape or incest)

Further Discussion/References

1. Medical and scientific evidence (as represented in current peer-reviewed journals, reference texts, and medical/scientific curriculum) are not consistent with Amendment 62.

The phrase “the beginning of biologic development” **is not** a scientific or medical reference point in the process of human reproduction. Developmental Biology is a scientific field that studies the mechanisms of development, differentiation, and growth in animals and plants at the molecular, cellular, and genetic levels. Developmental biology includes the study of embryology and the complex factors involved in human reproduction which leads to the birth of a human being. “The beginning of biologic

development” has no specific meaning in the context of human embryology and could even refer to the growth of specific human cell lines, for example, in the study human transplant possibilities and the cure for diseases such as diabetes and spinal cord injuries. Human reproduction (briefly defined as the development of egg and sperm, their union and growth into a blastocyst, implantation into the uterine wall, and then growth into embryo, fetus, and then newborn) is an intricate and inefficient process. The overwhelming majority of potential egg-sperm unions do not result in human beings. The statistics to support the complicated nature of human reproduction include:

- It is estimated that 30%-70% of eggs that are fertilized by sperm fail to implant within the uterine wall.ⁱ These embryos have been shown to demonstrate a high percentage of chromosomal and developmental abnormalities. In normal fertile couples who are having regular, timed sexual intercourse, it can take up to 6 months to conceive.
- 15% of documented pregnancies result in spontaneous abortion (miscarriage)ⁱⁱ. The loss of a pregnancy can occur at any stage of pregnancy from early implantation to after visualization of fetal cardiac activity.
- 1 in 50 pregnancies are ectopic pregnancies.ⁱⁱⁱ Ectopic pregnancy occurs when a fertilized egg does not travel to the uterus and instead implants in the fallopian tube. In the U.S., ectopic pregnancy is the leading cause of pregnancy related death in the first trimester.
- Molar pregnancy occurs in 1/1,000 to 1/1,500 pregnancies. Molar pregnancies occur when a sperm fertilizes an abnormal egg. Approximately 20 percent of patients will develop malignant sequelae requiring administration of chemotherapy after initial treatment.^{iv}

2. Current medical and scientific practice/procedures that involve the term “person” as defined by Amendment 62:

Treatment of Miscarriage: Miscarriages are commonly treated with medical and surgical therapies as well as supportive means; the goal is the removal of the pregnancy tissue from the uterus, which cannot, by any therapy available, produce a live born infant. There were an estimated 102,517 pregnancies in Colorado in 2006, resulting in 70,737 live births (CDPHE, Health Statistic Section) and an estimated 15,377 spontaneous miscarriages in this year alone.

Treatment of Ectopic Pregnancy: In the U.S., ectopic pregnancy is the leading cause of pregnancy related death in the first trimester. Once detected, an ectopic pregnancy is treated with the removal and destruction of the pregnancy either by medical or surgical means, as it cannot result in a live born infant, and yet the growing pregnancy tissue is a threat to the health and life of the mother.

Infertility treatments: Currently 1% of all babies born in the United States are born through in vitro fertilization (CDC, 2009). Infertility affects at least 10 percent of couples who desire pregnancy; for many of them, assisted reproductive technologies are necessary. This amendment would hold a patient and her physicians liable for embryos which fail to develop or do not result in a pregnancy due to completely natural biologic processes despite rendering the best possible medical care. This amendment can be seen as blocking the rights of infertile couples within the state of Colorado from having a family and will set back the standard of infertility care in this state to the level of medical care practiced in the United States before 1980. What could more antithetical to “family values” and the “right to life”?

Treatment of Molar Pregnancy: Approximately 20 percent of patients will develop malignant sequelae requiring administration of chemotherapy after initial treatment. All molar pregnancies need to be ended as they cannot produce a live newborn and substantially threaten the mother's health and life.

Stem cells research: Stem cells are a unique population of unspecialized cells characterized by their ability to continuously renew themselves for long periods of time through cell division. Researchers are using stem cells to study conditions such as a spinal cord injury, diabetes, Parkinson's, and Alzheimer's disease. Human embryonic cells are commonly derived from unused fertilized eggs (donated with the consent of the infertile couple).

Safe and legal abortion: Although not mentioned in the Amendment itself, the intent of Amendment 62 (from www.personhoodcolorado.com) is to provide a legal framework to make all abortions illegal. The American Congress of Obstetrician and Gynecologists opposes unnecessary regulations that delay or limit women's access to needed medical care and that subject physicians to criminal charges for practicing according to accepted medical standards. ^v

ⁱ Stenchever, et al. Comprehensive Gynecology, 4th Edition, p 414.

ⁱⁱ American College of Obstetricians and Gynecologists, Management of Recurrent Early Pregnancy Loss, Practice Bulletin, Number 24, February 2001.

ⁱⁱⁱ American College of Obstetricians and Gynecologists, Medical Management of Ectopic Pregnancy, Practice Bulletin, Number 3, December 1998.

^{iv} American College of Obstetricians and Gynecologists, Diagnosis and Treatment of Gestational Trophoblastic Disease, Clinical Practice Guidelines, Number 53, June 2004.

^v ACOG Statement of Policy, reaffirmed July 2007.

Last Draft as Mailed to Interested Parties

Amendment 62 Application of the Term Person

1 **Amendment 62 proposes amending the Colorado Constitution to:**

- 2 ♦ apply the term "person," as used in the sections of the Colorado bill of
3 rights concerning inalienable rights, equality of justice, and due process
4 of law, to every human being from the beginning of the biological
5 development of that human being.

6 **Summary and Analysis**

7 Like the U.S. Constitution, the Colorado Constitution has a bill of rights. The
8 Colorado bill of rights contains the rights of the people of Colorado and outlines
9 the principles of state government. Amendment 62 addresses the application of
10 the term "person" for sections 3, 6, and 25 of the Colorado bill of rights. These
11 sections concern inalienable rights, equality of justice, and due process of law.

12 ***Inalienable rights.*** Section 3 asserts that all persons have natural,
13 essential, and inalienable rights to enjoy life and liberty, to acquire, possess,
14 and protect property, and to seek and obtain safety and happiness. These
15 rights include the right to survive, the right to defend against threats to safety,
16 the freedom to make independent decisions, and the right to work and obtain
17 economic goods. Inalienable rights are fundamental to all persons and are not
18 created by laws and government. The constitution requires that the government
19 protect these rights, although the government is permitted to limit the exercise
20 of rights as necessary for the welfare and general security of the public.

21 The constitutional provision regarding inalienable rights has been applied by
22 courts, for example, to guarantee the right of an individual to pursue a legitimate
23 trade or business, to acquire property without fear of discrimination, and to
24 travel freely around the state.

25 ***Equality of justice.*** Section 6 requires the courts in Colorado to be open to
26 all persons. If a person's legal rights are violated, this section guarantees that a
27 judicial remedy is available.

28 Courts have determined that this section applies to a variety of
29 circumstances. For instance, individuals are denied equal access to justice if
30 juries are chosen in a discriminatory manner. Additionally, all persons have the
31 same right to use the courts regardless of their financial resources.

32 ***Due process of law.*** Section 25 ensures that no person is deprived of life,
33 liberty, or property without due process of law. Due process of law requires the
34 government to follow consistent procedures before a person's fundamental

Last Draft as Mailed to Interested Parties

1 rights are taken away. The courts have determined, for example, that due
2 process requires the government to provide notice and a fair hearing before
3 detaining a person, taking a person's property, or sentencing a person to death.

4 ***Application of the term "person."*** Sections 3, 6, and 25 of the Colorado
5 bill of rights do not currently address the application of the term "person."
6 Amendment 62 applies the term "person" in a manner that extends inalienable
7 rights, equal access to justice, and due process of law from the beginning of
8 biological development. The measure does not define the phrase "the
9 beginning of biological development."

10 **Arguments For**

11 1) Amendment 62 ensures that all human life is afforded equal protection
12 under the law. Currently, this right is not recognized until birth. Amendment 62
13 acknowledges that a new human life is created at the beginning of biological
14 development and gives all human life, whether born or unborn, equal rights and
15 protections.

16 2) The measure may establish the legal foundation to end the practice of
17 abortion in Colorado. The U.S. Supreme Court decision that legalized abortion
18 in the United States found that the unborn were not included in the word
19 "person" as used in the U.S. Constitution. If each human life, from the
20 beginning of biological development, is recognized as a person under
21 Colorado's bill of rights, Amendment 62 may provide support for legal
22 challenges to prohibit abortions in Colorado.

23 3) Amendment 62 establishes a legal definition of the term "person" as
24 used in sections 3, 6, and 25 of the Colorado bill of rights. Because these
25 sections do not currently contain a definition of the term "person," interpretation
26 of the word is subjective, which may lead to the rights granted by sections 3, 6,
27 and 25 of the Colorado bill of rights being inconsistently applied.

28 **Arguments Against**

29 1) Amendment 62 allows government intrusion in the privacy of the doctor-
30 patient relationship and could limit the exercise of independent medical
31 judgment. The measure could restrict a doctor from using certain medical
32 procedures and treatments. Further, "the beginning of biological development"
33 cannot be easily and conclusively pinpointed. Therefore, the measure may
34 subject doctors and nurses to legal action for providing medical care to a
35 woman of child-bearing age if that care could affect a "person" other than the
36 identified patient.

37 2) The effects of Amendment 62's change to the constitution are unclear.
38 The measure applies certain rights from "the beginning of biological
39 development," a term which is not defined within the measure, has no

Last Draft as Mailed to Interested Parties

1 established legal meaning, and is not an accepted medical or scientific term.
2 The legislature and the courts will have to decide how a wide variety of laws,
3 including property rights and criminal laws, will apply from "the beginning of
4 biological development."

5 3) Amendment 62 may limit the ability of individuals and families to make
6 important health care decisions. The measure could be used to prohibit or limit
7 access to medical care, including abortions for victims of rape or incest, and
8 even when a woman's life is in danger. Amendment 62 may also limit access to
9 emergency contraception, commonly used forms of birth control, and treatment
10 for miscarriages, tubal pregnancies, cancer and infertility. The amendment may
11 restrict some stem cell research that could lead to life-saving therapies for a
12 variety of disabilities and illnesses.

13 **Estimate of Fiscal Impact**

14 No immediate impact to state revenue or expenditures is expected because
15 Amendment 62 does not require that any specific actions be taken or services
16 provided. If legislation is adopted, or the courts determine that the measure
17 requires the state to provide new services, state spending may increase.

AMENDMENT 62
APPLICATION OF THE TERM PERSON
CONTACT LIST

Pikes Peak Citizens for Life
707 R N. Nevada
Colorado Springs, CO 80903
contact@ppcitizensforlife.org

Carolyn Englekin
eje5560@q.com

Crystal Clinkenbeard
Clinkenbeard Consulting, LLC
10897 Beeler St.
Henderson, CO 80640
caclinke@mac.com

Deborah Obermeyer
MetroNorth Chamber of Commerce
2921 W. 120th Ave., Suite 210
Westminster, CO 80234
deborah@metronorthchamber.com

Dianna May
Colorado Forum
511 16th Street, Suite 210
Denver, CO 80202
diannamay@coloradoforum.com

Donna Ballentine
Colorado Right to Life
1535 Grant St., Suite 303
Denver, CO 80203
office@coloradorighttolife.org

Douglas Bruce
Colorado Springs, CO 80936
taxcutter@msn.com

Eddie Busam
Aponte and Busam
303 E. 17th Ave., Suite 810
Denver, CO 80203
ebusam@aponte-busam.com

Eddie Sonn
Colorado Medical Society
7351 Lowry Blvd.
Denver, CO 80230
Eddie_sonn@cms.org

Fofi Mendez
Mendez Consulting
1120 Lincoln St., Suite 804
Denver, CO 80203
fofi@mendezconsultinginc.com

Gerry Cummins
League of Women Voters
1410 Grant St., Suite B-204
Denver, CO 80203
gerry.cummins@prodigy.net

Gualberto Garcia Jones J.D.
8795 Ralston Rd., Suite 220
Arvada, CO 80002
director@personhoodcolorado.com

Leslie Hanks
Colorado Right to Life
1535 Grant St., Suite 303
Denver, CO 80203
leslieforlife@gmail.com

Lisa Radelet
Women's Health
2855 Valmont Road
Boulder, CO 80301
lisa@bvwhc.org

AMENDMENT 62
APPLICATION OF THE TERM PERSON
CONTACT LIST

Michael Dohr
Office of Legislative Legal Services
Room 091 State Capitol
Denver, CO 80203
michael.dohr@state.co.us

Michael Valdez
Colorado Bar Association
1900 Grant St., Ninth Floor
Denver, CO 80203
mavaldez@cobar.org

Michael J. Norton
Burns, Figa & Will
6400 S. Fiddler's Green Circle, #1030
Englewood, CO 80111
mjnorton@bfw-law.com

Nichole Goodman
Alliance for Sustainable Colorado
1536 Wynkoop St., Suite 4-A
Denver, CO 80202
ngoodman@sustainablecolorado.org

Patty Schoedler
League of Women Voters
1410 Grant St., Suite B-204
Denver, CO 80203
pshades@earthlink.net

Peggy Loonan
Life and Liberty for Women
P.O. Box 271778
Fort Collins, CO 80527
peggy@lifeandlibertyforwomen.org

Saskia Dehring
Heizer Paul LLP
2401 15th St., Suite 300
Denver, CO 80202
sdehring@hpfirm.com

Senator Scott Renfroe
3201 Grandview Dr
Greeley, CO 80631
scott.renfroe.senate@state.co.us

Stephannie Finley
Colorado Springs Chamber of
Commerce
6 S. Tejon St., #700
Colorado Springs, CO 80903
stephannie@csc.org

Terry Howerter
RTD
1600 Blake St.
Denver, CO 80202
terry.howerter@RTD-Denver.com

Tim Hoover
The Denver Post
101 W. Colfax Ave., Suite 600
Denver, CO 80202
thoover@denverpost.com

Amendment 62
Application of the Term Person

1 **Ballot Title:** An amendment to the Colorado constitution applying the term "person",
2 as used in those provisions of the Colorado constitution relating to inalienable rights,
3 equality of justice, and due process of law, to every human being from the beginning of
4 the biological development of that human being.

5 **Text of Proposal:**

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

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

9 **Section 32. Person defined.** AS USED IN SECTIONS 3, 6, AND 25 OF ARTICLE II
10 OF THE STATE CONSTITUTION, THE TERM "PERSON" SHALL APPLY TO EVERY HUMAN
11 BEING FROM THE BEGINNING OF THE BIOLOGICAL DEVELOPMENT OF THAT HUMAN BEING.