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How Ballot Initiatives in Colorado Could Impact Reproductive Rights

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As part of the coming midterm elections, voters in at least five states may be asked to weigh in on ballot measures targeting transgender young people and their families. In Colorado, a well-funded group of far-right activists have converged to champion three initiatives that could make the ballot in November 2026. While the campaign promoting these measures wants voters to believe their efforts would only impact transgender people and their families, in fact, each would have far-reaching unintended consequences for all Coloradans, and one in particular has the potential to be weaponized against folks who are seeking or helping someone to seek abortion services and other reproductive care in the state.

What's on the Ballot?

The three pending anti-trans ballot initiatives in Colorado—[#108 Penalties for Human Trafficking a Minor](#), [#109 Male and Female Participation in School Sports](#), and [#110 Prohibit Certain Surgeries on Minors](#)—have been championed as protection of children's wellbeing. However, the ambiguous nature of these measures, coupled with the punitive penalties for violation of these vague new crimes, could impact Coloradans' ability to access reproductive health care far beyond the scope of health care for transgender young people.

All three ballot initiatives are being led by Michele Austin, a prominent Republican strategist in Colorado, and [Erin Lee](#), founder of [Protect Kids Colorado](#). Lee has gained notoriety in conservative spaces for leading attacks against transgender people in the state, and she has been prominently featured by national groups like the [Heritage Foundation](#) and [Alliance Defending Freedom](#). In 2025, Lee [publicly testified](#) against SB 25-129—a proposal that would strengthen Colorado's health care shield law—calling the legislation a “trafficking bill . . . intended to fortify the trafficking of children to this state for life-altering medical procedures” and categorized the subject of the bill as “the destruction of children.”

A Shift in Strategy

Since the overturning of *Roe v. Wade* in 2022, Colorado has emerged as a counterpoint to the Supreme Court's rolling back of rights, enacting policies expanding access to abortion and related services and protecting the rights of all Coloradans to get the health care they need. As such, the state now regularly welcomes travelers from neighboring states seeking access to care that is prohibited where they live. Voters in Colorado overwhelmingly support efforts to expand reproductive health care access in the state, evidenced most recently in 2024 when Amendment 79, the Right to Abortion and Health Insurance Coverage Initiative, [passed with nearly 62% of the vote](#). What's even more fascinating is how support crossed party lines, as the Democratic presidential candidate on the same ballot only received [54% of the vote](#) in the state.

Proponents of these initiatives know that their extreme views are not in line with what most people in their state want, but that has not deterred them from pushing their deceptively harmful agenda on Coloradans. While eliminating access to abortion and health care for transgender people remains their core objective, their language and messaging has been adapted to have greater appeal to Colorado's population.

During the 2025 legislative session, a bill similar to Initiative #108 was postponed indefinitely in committee. [HB 25-1145](#) specifically prohibited the “human trafficking” of minors into Colorado for gender-affirming care and abortion services. Testimony in support of the bill's passage featured many of the same actors and messages behind Initiative #108, though the current ballot initiative proposal has been tailored to sound more narrow in application.

Impact on Reproductive Freedom

Understanding that a proposal erecting hurdles to accessing reproductive health care is a nonstarter with Colorado voters, these initiative drafters softened the current language to present as more innocuous, not explicitly referencing abortion or related services. Yet the text remains confusing enough to make those seeking both abortion and health care for transgender patients think twice before traveling to the state. The new clause added to the state's existing anti-trafficking statutes would substitute the standard of “commercial sexual activity” for legally-vague language that could potentially be exploited by right-wing activists to achieve what has always been their substantive goal: categorizing any reproductive health care-related travel or activity in the state as “human trafficking.”

The language of Initiative #108 includes, but does not define, an element of this new crime that is to “trade anything of monetary value to buy or sell sexual activity with a minor,” increasing the criminal penalties for such activity to life in prison without parole, the same sentence reserved for first-degree murder. That language is so vague that it could arguably be read to include things like transporting someone to access an abortion or paying for related services. Proposing such a harsh penalty for such an ambiguous violation could easily have a chilling effect on those seeking—or helping someone obtain—reproductive health care in the state, which is exactly the objective of the initiative's proponents.

It is also possible that reproductive health care could be a target of Initiative #110, which would ban providing any form of health care to a minor “for the purpose of altering biological sex characteristics.” The broad language used to identify the prohibited medical care could easily be interpreted to encompass not only health care for transgender people, but also contraception and abortion, as those treatments could potentially be subjectively viewed as impacting one's “biological sex characteristics.”

The three Colorado ballots measures are not just individually problematic, but in tandem, they represent a coordinated strategy to thwart the hard-fought progress for reproductive freedom in the state. The response to oppose these efforts deserves an equally robust and cohesive coalition committed resisting extremism and defending the freedom of all Coloradans to make the health care decisions that are best for them and their families.
