No. 24-539

IN THE

Supreme Court of the United States

KALEY CHILES,

Petitioner,

v.

PATTY SALAZAR, IN HER OFFICIAL CAPACITY AS EXECUTIVE DIRECTOR OF THE COLORADO DEPARTMENT OF REGULATORY AGENCIES, *et al.*,

Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

BRIEF OF *AMICI CURIAE* LEGISLATORS FROM 30 STATE LEGISLATURES IN SUPPORT OF PETITIONER

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QUESTION PRESENTED

Whether a law that censors certain conversations between counselors and their clients based on the viewpoints expressed regulates conduct or violates the Free Speech Clause?

This amicus brief primarily addresses how the First Amendment Clauses protecting religious speech and the free exercise of religion "work in tandem"—doubly protecting a person's religious expression so that only those state interests "of the highest order" can justify state interference with a person's free expression grounded in their religious identity and conscience.

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STATEMENT OF IDENTITY AND INTEREST OF *AMICI CURIAE*

Pursuant to Supreme Court Rule 37, *Amici Curiae* state legislators from 30 States submit this brief.[1]

Amici legislators are politically accountable to the people of their respective states. Sworn to uphold the Constitution, they hold a special commitment to constitutional governance under the Rule of Law. This understanding includes a deep respect for the constitutional limits on the exercise of government power, including the First Amendment. *Amici Curiae* are profoundly concerned by the willingness of State authorities who, by force of law and punishment: 1) censure religious viewpoints and ideas inconsistent with preferred political preferences; and 2) coerce viewpoints and ideas consistent with preferred political preferences.

Amici Curiae have special knowledge helpful to this Court in this case, having a significant interest in the protection of the constitutional rights and religious freedom of citizens. *Amici Curiae* are committed to preserving good governance under the Rule of Law, including protection of the legal rights and freedoms of Christians working in their chosen professions.

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1. Amici Curiae state that no counsel for any party authored this brief in whole or in part, and no counsel or party made a monetary contribution intended to fund the preparation or submission of this brief. No person or entity, other than amici curiae, its members, or its counsel, made a monetary contribution to the preparation or submission of this brief. See Appendix for names of legislators.

Amici Curiae file this brief, therefore, to encourage this Honorable Court to guide legislative, executive, and judicial authorities toward a sound constitutional basis for understanding how the First Amendment properly limits the exercise of government power.

BACKGROUND

Kaley Chiles is a devoted Christian woman, licensed by the State of Colorado as a counselor. Pet. App.212a-14a. Her conversations and guidance aid, support, and comfort those with whom she speaks. Pet. App.215a. As part of her identity as a Christian, and as a matter of religious conscience, Kaley believes that individuals thrive when living in alignment with their biological sex as designed by their Creator. Pet. App. 212a-14a. Kaley merely desires to communicate "in a manner consistent with [her] religious beliefs; [she] does not seek to impose those beliefs on anyone else," including her "voluntary clients who determine the goals that they have for themselves." Pet App. 213a. Kaley's clients believe their faith and relationship with God provide the lens through which to see their identity and desires. Pet. App.214a. When struggling with matters involving human sexuality and their own body, therefore, they request Kaley's conversation and guidance in counselling. Pet. App.207a, 214a-215a. Desiring "to reduce or eliminate unwanted sexual attractions, change sexual behaviors, or grow in the experience of harmony with one's physical body," Kaley's clients specifically seek counseling from her Christian viewpoint. Pet. App 207a.

In response to such expression, Colorado enacted a Sexual Orientation Gender Identity (SOGI) censorship law, (misbranded as "conversation therapy"). On the one

hand, the law's content and viewpoint-based ban prohibits counselors from engaging in any consensual conversation that attempts "to eliminate or reduce sexual or romantic attraction or feelings toward individuals of the same sex." Colo. Rev Stat. § 12-245-202(3.5)(a). On the other hand, the State expressly empowers counsellors to encourage a client's same sex attraction or gender transition (e.g., counseling providing "[a]cceptance, support, and understanding for the facilitation of an individual's . . . identity exploration and development, including . . . "[a]ssistance to a person undergoing gender transition." *Id.* § 12-245-202(3.5)(b)(I)-(II)).

Under the Colorado law, if the words Kaley speaks include expressions of biological truth grounded in her Christian identity and religious conscience, she faces draconian fines for each expression and the loss of her license. *Id.* § 12-245-225. The tragic consequence of such laws is that people previously identifying as transgender, but now aligning with their faith and biological sex, have no constructive access to compassionate counseling support.

SUMMARY OF THE ARGUMENT

Colorado's SOGI conversation censorship law substantially interferes with Petitioner's religious identity and expressive exercise of her religious conscience. Here, the State of Colorado deliberately requires Petitioner to renounce her religious expression, conscience, identity, and sincerely held religious beliefs, or face professional discipline under the full force of law and punishment. When the government substantially interferes with a citizen's religious expression and conscience, that government action must face the "most rigorous" scrutiny.

The First Amendment to the United States Constitution prohibits governmental infringement on the freedom of religious expression. U.S. Const. amend. I. The writers of the First Amendment did not say "make no law prohibiting the free exercise of religion or abridging the freedom of speech, unless the state calls the speech conduct or says the law is neutral and generally applicable." Indeed, instead, the Framers of the First Amendment doubly protected freedom of religious expression. *Kennedy v. Bremerton School District,* 597 U.S. 507, 523, 532 (2022)

In *Kennedy*, this Court confirmed that " . . . a [n]atural reading" of the First Amendment leads to the conclusion that "the Clauses have complementary purposes" where constitutional protections for religious speech and the free exercise of religion "work in tandem," doubly protecting a person's religious expression and exercise of religious conscience. *Id.* In such situations, *Kennedy* reaffirmed the application of strict scrutiny. *Id.* Here, the Court of Appeals failed to understand the complementary purposes of the clauses, thereby failing to read these clauses in tandem. The appellate court's error inevitably led to its failure to properly review the State's action here with the requisite level of scrutiny—where only those state interests "of the highest order" can justify state interference with a person freely expressing their religious conscience. Pet App. 72a; 81a (wrongly applying mere rational basis review)

By preventing individuals from saying what they think on critical issues and coercing them to utter ideas hostile to their conscience, the State undermines fundamental First Amendment principles necessary for good governance of free people under the Rule of Law. Colorado's conduct here poses an inherent risk that the State regime seeks not

to advance a legitimate regulatory goal, but to suppress ideas with which it disagrees and to "manipulate the public debate through coercion rather than persuasion." *Turner Broad Sys., Inc. v. FCC*, 512 U.S. 622, 641 (1994).

Divesting Petitioner of any fundamental liberty protection, the appellate court here recharacterized and misbranded expression of religious conscience as conduct and characterized the SOGI conversation censorship law as neutral and generally applicable—even though it exclusively burdened religious conscience and expression. The SOGI conversation censorship law here, therefore, necessarily requires Christian people to: 1) surrender their right to freely express and exercise their religious conscience protected by the First Amendment. This Court should, therefore, apply strict scrutiny to the Colorado law and reverse the decision of the U.S. Court of Appeals for the Tenth Circuit.

ARGUMENT

I. THE LOWER COURTS APPLIED THE WRONG LEVEL OF SCRUTINY WHEN REVIEWING THE STATE ACTION HERE

The State of Colorado enacted a Sexual Orientation Gender Identity (SOGI) conversation censorship law. Colo. Rev. Stat. § 12-245-202(3.5)(a).

In its review of Colorado's law, the appellate court failed to understand the complimentary purposes of the First Amendment Clauses, thereby failing to read these clauses in tandem. See, *Kennedy v. Bremerton School District,* 597 U.S. 507, 523, 532 (2022).

The appellate court's error inevitably led to its failure to properly review the Colorado law here with the requisite level of scrutiny—where only those state interests *of the highest order* can justify state interference with a person freely expressing their religious conscience. *Id.*; Pet App. 72a; 81a (wrongly applying mere rational basis review)

Amici legislators ask the Court to reinstate a proper constitutional understanding of the First Amendment. Each of the *amici* legislators represent different districts within their states, which include diverse populations of varied and often conflicting identities. The duty of the *amici* legislators includes an obligation to protect all of those they serve, not to favor some of them. They recognize their responsibility to respect their constituents' expressions of conscience and to promote the open, respectful exchange of ideas that is essential to a free society, free from state-imposed bias.

Ratified in 1791, the First Amendment to the United States Constitution provides that "Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech . . . ." U.S. Const. amend I. This Court holds liberty protected by the First Amendment applicable to the States via the Fourteenth Amendment. *Cantwell v. Connecticut*, 310 U.S. 296, 303 (1940) (Free Exercise); *Gitlow v. New York*, 268 U.S. 652, 666 (1925) (Free Speech).

The liberty guaranteed by the First Amendment is, at its core, "the principle that each person should decide for himself or herself the ideas and beliefs deserving of expression, consideration, and adherence." *Turner Broad. Sys., Inc. v. FCC*, 512 U.S. 622, 641 (1994). Indeed, "[t]he

First Amendment envisions the United States as a rich and complex place where all persons are free to think and speak as they wish." *303 Creative LLC v. Elenis,* 600 U.S. 570, 603 (2023)

The First Amendment protects "the freedom to think as you will and to speak as you think." *303 Creative*, 600 U.S. at 584 (cleaned up); *Boy Scouts of America v. Dale*, 530 U. S. 640, 660-661 (2000). This Court has long held that "the First Amendment protects an individual's right to speak his mind regardless of whether the government considers his speech sensible and well intentioned or deeply misguided," *303 Creative,* 600 U.S. at 586 citing, *Hurley v. Irish-American Gay, Lesbian and Bisexual Group of Boston, Inc.*, 515 U. S. 557, 574 (1995) Undeniably, the First Amendment protects not just "speakers whose motives the government finds worthy; its protections belong to all, including to speakers whose motives others may find misinformed or offensive." *303 Creative,* 600 U.S. at 595. Indeed, "the government may not compel a person to speak its own preferred messages." *Id.* at 586 citing, *Tinker v. Des Moines Independent Community School Dist.*, 393 U. S. 503 (1969) and *National Institute of Family and Life Advocates v. Becerra,* 585 U. S. 755, 766 (2018) (*NIFLA*)

In the case at bar, the State's SOGI conversation censorship law conditions its license to serve as a counselor in Colorado on whether the counselor's utterances submit to the State-preferred irreligious viewpoint that is antithetical to the counselor's (and her client's) Christian faith. To facilitate such a substantial infringement of Petitioner's First Amendment liberty, the appellate court's judicial review refused to apply the strict scrutiny

normally applied when a government law infringes upon a person's fundamental rights. To avoid applying the requisite level of scrutiny the appellate court held that the Colorado law: 1) did not violate the fundamental right to Free Speech because it supposedly regulated conduct and not speech, and 2) did not violate the fundamental right to the Free Exercise of Religion because it supposedly regulated in a content neutral and generally applicable way. Pet App. 72a; 81a (wrongly applying mere rational basis review)

When drafting the First Amendment's protection for religious expression the writers did not say "make no law prohibiting or abridging the free exercise of religious expression, unless you recharacterize and misbrand the speech as conduct or say the law is neutral and generally applicable." Indeed, instead, the Framers of the First Amendment ratified the Free Exercise and Free Speech Clauses together, doubly protecting freedom of religious expression. *Kennedy,* 597 U.S. at 523, 532.

A. The First Amendment Doubly Protects Religious Expression, Warranting the Strictest Scrutiny of Government Actions

1. Petitioner's Injury

Facing a credible threat of future prosecution, along with an ongoing injury caused by the law's chilling effect on her intention to exercise her rights under the First Amendment, Petitioner challenged the constitutionality of the Colorado statute. The chill was especially fridged given the notorious history of Colorado's hostile and otherwise unconstitutional enforcement against Christian

people. See, e.g., *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Comm'n,* 584 U.S. 617 (2018); *303 Creative*, 600 U.S. 570.

2. Strict Scrutiny and the Free Speech Clause

Reflecting an accurate historical understanding of the plain meaning of the Free Speech Clause, this Court stated in *Police Dep't of Chicago v. Mosley*, 408 U.S. 92, 96 (1972)

> Our people are guaranteed the right to express any thought, free from government censorship. The essence of this forbidden censorship is content control. Any restriction on expressive activity because of its content would completely undercut the profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open. *Id.* (cleaned up).

A State, therefore, "has no power to restrict expression because of its message, its ideas, its subject matter, or its content." *Id.* at 95. A State's "regulation of speech is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed" *Reed v. Town of Gilbert*, 576 U.S. 155, 163 (2015).

Content-based regulation of expression by government authorities, therefore, faces strict scrutiny, the highest standard of review in constitutional analysis. *Turner,* 512 U.S. at 641; *Reed,* 576 U.S. at 163; *R.A.V. v. St. Paul*, 505 U.S. 377, 395 (1992)

The Colorado law in this case depends on what is spoken. Because the law regulates both the topic and viewpoint of the counselor it necessarily is content based. Here the State's law "pose[s] the inherent risk that the Government seeks not to advance a legitimate regulatory goal, but to suppress unpopular ideas or information or [to] manipulate the public debate through coercion rather than persuasion." *Turner*, 512 U.S. at 641; *NIFLA,* 585 U.S. at 771.

Holding that the Colorado law regulated conduct, the appellate court applied mere rational basis scrutiny. Even if a law "*generally* functions as a regulation of conduct" though, this Court requires heightened scrutiny if what the government is regulating (censoring) "under the statute consists of communicating a message." *Holder v. Humanitarian Law Project*, 561 U.S. 1, 27-28 (2010). That is, a person's verbal communication does not magically convert into conduct when expressed while providing professional services. See, *NIFLA*, 585 U.S. at 767. Moreover, this Court has long prohibited state sponsored censorship "under the guise" of regulating conduct. *NAACP v. Button*, 371 U.S. 415, 439 (1963). Colorado's unprincipled characterizing of religious expression here as conduct (via misbranding it as conversion therapy), is nothing less than the use of state power to manipulate the suppression of information with which the State disagrees. Allowing a state regime to deem the spoken word conduct, or to deem a statute banning speech as merely incidentally burdening speech, empowers a regime to censure *any kind* of expression. Colorado's penchant for misbranding one viewpoint as *conduct,* as it relates to a debated issue of great public concern, chronically enables it to pursue censorship of disfavored ideas and viewpoints. *303 Creative*, 600 U.S. at 588 (cleaned up).

Just as a religious person's expression and exercise of religious conscience is not invidious discrimination, it also is not "conversion therapy" as conventionally understood (e.g., the intentional infliction of severe physical torture; non-consensual confinement, etc.). Christian people know God created all human life in His image. Thus, for Christian people, every person holds inherent value and deserves respect. Just as no sincere follower of Jesus would, therefore, ever discriminate against a person based on who they are, neither would they engage in the barbaric cruel *conduct* conventionally understood as "conversion therapy." Christian people are called, though, to adhere to a standard of behavior and beliefs and can never, then, concede their constitutionally protected right of religious conscience. *Amici Curiae* condemns physical torture and invidious discrimination and holds no animus toward anyone. We seek respectful consideration of all viewpoints and reject the notion that honest disagreement based on religious conscience equates with bigotry. Colorado's unprincipled conversion of religious speech into "conduct" diabolically empowers state regimes to suppress political and religious information related to mental health with which the State disagrees.

Colorado cannot change the reality that what it really seeks to regulate here is the expression of a person's viewpoint grounded in religious conscience. Indeed, the State's regulatory regime, in enforcing law, must examine the content of the person's statements and viewpoint to determine whether a violation of the law occurred.

Here the law expressly allows communication that encourages a client's gender transition or same sex relationship (e.g., speech that provides "[a]ssistance,

support, and understanding for the facilitation of an individual's coping, social support and identity exploration and development," including "[a]ssistance to person undergoing gender transition" Colo. Rev. Stat. § 12-245-202(3.5)(b)(I)-(II)). The State thus enforces its irreligious and unscientific view that gender is not immutable, while prohibiting the counselor from offering a different viewpoint consistent with her (and her client's) religious conscience. (e.g., communication about eliminating sexual or romantic attraction toward someone of the same sex—thereby helping, at the client's request, to realign her identity and sex in a way consistent with biological truth and her religious faith). Indeed, even though the client seeks the communication and guidance, the law expressly precludes conversations that seek to "change behaviors or gender expressions or to eliminate or reduce sexual or romantic attraction or feeling toward individuals of the same sex." Colo. Rev. Stat. § 12-245-202(3.5)(a)

When a state targets "particular views taken by speakers on a subject, the violation of the First Amendment is all the more blatant." *Rosenberger v. Rector & Visitors of the Univ. of Virginia,* 515 U.S. 819, 829 (1995) citing *R.A.V.,* 505 U.S. at 391. "[N]o matter how controversial," the First Amendment protects all viewpoints. *303 Creative* at 603. Because viewpoint discrimination is so egregious, states "must abstain from regulating speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction." *Rosenberger,* 515 U.S. at 829. Such speech is not unprotected merely because it is uttered by a professional counselor. *NIFLA*, 585 U.S. at 767. Indeed, the First Amendment protects a professional's expression by constitutionally limiting the state from regulating "the content of professional speech,"

thus "preserv[ing] an uninhibited marketplace of ideas in which truth [ ] ultimately prevail[s]." *Id.*, at 772 (cleaned up). Certainly, no state, including Colorado, holds the "unfettered power" to reduce a group's First Amendment liberty "by simply imposing a licensing requirement." *Id.* at 773. The "danger of content-based regulations in the fields of medicine and public health," is especially prevalent "where information can save lives." *Id.* at 771 (cleaned up). The awful consequence of Colorado's law is that suffering people have no constructive access to the compassionate professional counseling support they seek.

Applying the strictest of scrutiny, this Court, in *Janus, R.A.V.*, and *Reed v. Town of Gilbert* struck down government actions compelling speech and regulating expression in a content-based way (e.g., viewpoint or topic-based regulation). *Reed v. Town of Gilbert*, 576 U.S. 155 (2015) (holding a town's content-based regulation failed strict scrutiny); *R.A.V.,* 505 U.S. at 382 (holding content-based law "presumptively invalid"); *Janus v. Amer Fed of State, County, and municipal Employees, Council 31, et al.*, 585 U.S. 878 (2018) (holding state's action violated speech rights of certain individuals by compelling them to subsidize private speech on matter of substantial public concern.)

3. Strict Scrutiny and the Free Exercise Clause

It is unconstitutional *per se* for Colorado to use its licensing scheme to forcibly change the religious views of Petitioner and her clients. This Court has described the Free Exercise Clause as containing an "absolute prohibition of infringements on the 'freedom

to believe.'" *McDaniel v. Paty*, 435 U.S. 618, 627 (1978). See also, *Braunfeld v. Brown*, 366 U.S. 599, 603 (1961) ("The freedom to hold religious beliefs and opinions is absolute."). Here, in two ways, Colorado uses its licensing scheme to forcibly change, by force of law and punishment, the religious views of Petitioner and her clients. First the State conditions its license to serve as a counselor on whether the counselor's utterances submit to an irreligious secular viewpoint hostile to the counselor's (and her client's) Christian faith. And second, the State cleverly misbrands religious expression as conduct, so that it may revoke a counsellor's license and impose draconian fines based upon what the counsellor says to the clients who share her religious viewpoint. The First Amendment absolutely forbids Colorado to do what it seeks to accomplish here: to change the religious views of Petitioner and her clients.

Reflecting an accurate historical understanding of the plain meaning of the Free Exercise Clause, this Court, in *Sherbert v. Verner* and *Wisconsin v. Yoder,* struck down government actions that substantially interfered with a person's sincerely held religious beliefs. *Sherbert,* 374 U.S. 398 (1963) (denying unemployment benefits to a person who lost her job when she did not work on her Sabbath); *Yoder*, 406 U.S. 205 (1972) (overturning convictions for violations of state compulsory school attendance laws incompatible with sincerely held religious beliefs).

Under these decisions, a person's unalienable right to the free exercise of religious conscience appropriately required government to face the most rigorous scrutiny when seeking to justify its interference with such a fundamental liberty interest.

This Court has made clear that "religious and philosophical objections" to SOGI issues are constitutionally protected. *Masterpiece Cakeshop,* 584 U.S. at 631 (citing *Obergefell* 576 U.S. 644, 679-80 (2015) and holding that "[t]he First Amendment ensures that religious organizations and persons are given proper protection as they seek to teach the principles that are so fulfilling and so central to their lives and faiths.").

For Christian people in states like Colorado, though, that right continues to manifest as a mirage. In practice, state authorities elevate SOGI rights above all others, especially the free exercise of religious conscience. Theophobia has replaced homophobia, and the government has become the installer and enforcer of this new tyranny. Special preferences embodied in government SOGI classifications, and the SOGI conversation censorship law in the case at bar, exalt a particular belief system of what is offensive over another and, by its very nature, signals official disapproval of a Christian person's religious identity, expression, and religious beliefs. "Just as no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion, it is not, as the Court has repeatedly held, the role of the State or its officials to prescribe what shall be offensive." *Masterpiece Cakeshop,* 584 U.S. at 638 (internal quotations and citations omitted).

As this Court has so clearly stated:

> [T]he government, if it is to respect the Constitution's guarantee of free exercise, cannot impose regulations that are hostile to the religious beliefs of affected citizens and cannot

> act in a manner that passes judgment upon or presupposes the illegitimacy of religious beliefs and practices. . . . The Constitution commits government itself to religious tolerance, and upon even slight suspicion that proposals for state intervention stem from animosity to religion or distrust of its practices, all officials must pause to remember their own high duty to the Constitution and to the rights it secures.

Masterpiece Cakeshop, 584 U.S. at. 638 (citing Church of *Lukumi Babalu Aye, Inc. v. Hialeah*, 508 U.S. 520, 547 (1993) (internal quotes omitted). It is worth noting that while the Court here characterized its analysis as addressing a lack of neutrality in the government's action, government imposition of SOGI preferences is unavoidably *always* hostile and can never be "neutral" toward the religious identity and beliefs of orthodox Christian people. Indeed, special SOGI preferences, like the SOGI conversation censorship law here, *necessarily* require Christian people to relinquish their religious identity and the freedom to express and exercise their religious conscience. For the First Amendment to have meaning, it must include the right to hold and manifest beliefs without fear of government punishment or coercion.

The government SOGI conversation censorship law in the case at bar substantially interferes with Petitioner's religious identity and exercise of her religious conscience. Colorado ought not require Petitioner to disavow her sincerely held religious beliefs to stay licensed. Here Colorado expressly requires Petitioner to renounce her religious character, identity, and sincerely held religious conscience, or face professional discipline. When a government action imposes a penalty on the free

exercise of religious expression, that government action must face the "most rigorous" scrutiny. *Fulton v. City of Philadelphia*, 593 U.S. 522, 541 (2020); *Trinity Lutheran Church of Columbia, Inc.* v. *Comer,* 582 U.S. 449, 466 (2017); *Lukumi*, 508 U.S. at 546. "Under that stringent standard, only a state interest of the highest order can justify the government's discriminatory policy." *Trinity Lutheran,* 582 U.S. at 466 (citing *McDaniel*, 435 U.S. at 628 (cleaned up); *Fulton*, 593 U.S. at 541.

And as *Masterpiece Cakeshop* recognized, "these disputes must be resolved with tolerance, without undue disrespect to sincere religious beliefs," and without subjecting persons living a gay lifestyle to indignities "when they seek goods and services in an open market." 584 U.S. at 640.

In *Fulton*, this Court confirmed that when First Amendment religious liberty is at stake:

> A government policy can survive strict scrutiny only if it advances "interests of the highest order" and is narrowly tailored to achieve those interests. *Lukumi*, 508 U.S. at 546 (cleaned up). Put another way, so long as the government can achieve its interests in a manner that does not burden religion, it must do so.

593 U.S. at. 541

While the government action in *Fulton* was not generally applicable, nothing in the Court's holding suggests the fundamental nature of the constitutional protection ought to diminish where it is.

4. The Complimentary Purposes of the First Amendment Clauses Work in Tandem to Doubly Protect Religious Expression

In *Kennedy*, this Court confirmed that " . . . a [n]atural reading" of the First Amendment leads to the conclusion that "the Clauses have complementary purposes" where constitutional protections for religious speech and the free exercise of religion "work in tandem," doubly protecting a person's religious expression and exercise of religious conscience. *Kennedy,* 597 U.S. at 523, 532. In such situations, *Kennedy* reaffirmed the application of strict scrutiny. *Id.*

Here, the appellate court failed to understand the complimentary purposes of the clauses, thereby failing to read these clauses in tandem. The appellate court's error inevitably led to its failure to properly review the State's law here with the requisite level of scrutiny—where only those state interests of the *highest order* can justify state interference with a person freely expressing their religious conscience. Pet App. 72a; 81a (wrongly applying mere rational basis review)

Colorado's SOGI conversation censorship law substantially interferes with Petitioner's expressive exercise of her religious conscience and identity. Here, the State expressly requires Petitioner to renounce her religious expression, conscience, beliefs, and identity, or face professional discipline under the full force of law and punishment. When the government substantially interferes with a citizen's religious expression and conscience, that government action must face "strict scrutiny." *Kennedy,* 597 U.S. at 523, 532.

The First Amendment "is essential to our democratic form of government, and it furthers the search for truth. Whenever . . . a State prevents individuals from saying what they think on important matters or compels them to voice ideas with which they disagree, it undermines these ends." *Janus*, 585 U.S. at 893. It bears repeating that such actions "pose the inherent risk that the Government seeks not to advance a legitimate regulatory goal, but to suppress unpopular ideas or information or [to] manipulate the public debate through coercion rather than persuasion." *Turner*, 512 U.S. at 641; *NIFLA,* 585 U.S. at 771.

As in *303 Creative*, Colorado again "seeks to compel this speech in order to excise certain ideas or viewpoints from the public dialogue." 303 *Creative,* 600 U.S. at 588 citing *Turner*, 512 U.S. at 642 (cleaned up). Here the SOGI censorship law coerces professionals to betray their conscience-based convictions. "Forcing free and independent individuals to endorse ideas they find objectionable is always demeaning, and for this reason, . . . a law commanding 'involuntary affirmation' of objected-to beliefs would require 'even more immediate and urgent grounds' than a law demanding silence." *Janus,* 585 U.S. at 893 quoting *West Virginia Bd. of Ed. v. Barnette,* 319 U.S. 624, 633 (1943); and see, *303 Creative*, 600 U.S. at 589 (holding that "is enough, more than enough to represent an impermissible abridgment of the First Amendment's right. . . .")(cleaned up).

The First Amendment "includes both the right to speak freely and the right to refrain from speaking at all. The right to eschew association for expressive purposes is likewise protected." *Janus*, 585 U.S. at 892

(cleaned up). Indeed, "[i]f there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein." *Barnette,* 319 U.S. at 642; see also *303 Creative* 600 U.S. at 584-85. Likewise, "it is not, as the Court has repeatedly held, the role of the State or its officials to prescribe what shall be offensive." *303 Creative,* 600 U.S. at 602 quoting, *Masterpiece Cakeshop,* 584 U.S. at 665.

Colorado's deliberate choice to statutorily elevate one view of what it finds offensive over another indicates the State's biased, non-neutral official disapproval of Petitioner's religious beliefs.

The First Amendment "is a natural outgrowth of the framers' distrust of government attempts to regulate religion and suppress dissent." *Kennedy,* 597 U.S. at 524 citing A Memorial and Remonstrance Against Religious Assessments, in Selected Writings of James Madison 21, 25 (R. Ketcham ed. 2006). This Court has long recognized "in Anglo–American history, . . . government suppression of speech has so commonly been directed precisely at religious speech that a free-speech clause without religion would be Hamlet without the prince." *Kennedy,* 597 U.S. at 524 quoting *Capitol Square Review and Advisory Bd. v. Pinette*, 515 U.S. 753, 760 (1995).

Bearing witness to the intolerant laws of seventeenth century England that persecuted individuals because of their religious views, the First Amendment balances the need for freedom of speech and religion with the need of a well-ordered central government. *See, e.g.*, Mark A. Knoll,

A History of Christianity in the United States and Canada 25-65 (1992); F. Makower, *The Constitutional History and Constitution of the Church of England* 68-95 (photo. reprt. 1972) (1895). The First Amendment embodies an ideal that is uniquely American—that true liberty exists only where men and women are free to hold and express conflicting political and religious viewpoints. Under this aegis, the government must not interfere with its citizens living out and expressing their freedoms but embrace the security and liberty only a pluralistic society affords. That is why the First Amendment protects expression of a religious person's viewpoints and ideas, subjecting a state to the strictest of scrutiny if it substantially interferes. See, e.g., *Masterpiece Cakeshop,* 584 U.S. at 663-664 (Thomas, J., concurring) (noting, the necessity of applying "the most exacting scrutiny" in a case where another Colorado law penalized expression of cake designer) citing *Texas v. Johnson*, 491 U.S. 397, 412 (1989); accord, *Holder,* 561 U.S. at 28; see also, *Reed*, 576 U.S. at 164.

In *Shurtleff v. Boston*, this Court unanimously reaffirmed that government "may not exclude speech based on 'religious viewpoint'; doing so 'constitutes impermissible viewpoint discrimination,'" 596 U.S. 243, 258 (2022) (quoting *Good News Club v. Milford Central School*, 533 U.S. 98, 112 (2001)). See also, *Rosenberger*, 515 U.S. at 828-830.

The SOGI censorship law requires forced acceptance of political policy preferences, by force of law and punishment and is especially wrong because the government action here substantially interferes with constitutionally protected liberty. Here, the statute, masquerading as a *neutral law regulating conduct*, effectively censures the viewpoint of

many counselors, a religious viewpoint consistent with their conscience and inherent in their personal religious identity. Moreover, the SOGI censorship law seeks to compel these professionals to engage in expression conflicting with it. The disturbing diminishment of First Amendment religious conscience and expression, as a practical matter, denudes any meaningful constitutional protection for liberty as a limit on the exercise of state power.

5. Significance of Obergefell

In *Obergefell v. Hodges*, this Court found in the Constitution a right of personal identity for all citizens. 576 U.S. 644 (2015). The Justices in the majority held that: "The Constitution promises liberty to all within its reach, a liberty that includes certain specific rights that allow persons, within a lawful realm, to define and express their identity." *Id.* at 651; *see also Masterpiece Cakeshop,* 584 U.S. 631. *Obergefell* affirmed, therefore, not just freedom to define one's belief system, but freedom to exercise one's conscience associated with it.

Because *Obergefell* defined a fundamental liberty right as including "most of the rights enumerated in the Bill of Rights," and "liberties [that] extend to certain personal choices central to individual dignity and autonomy, including intimate choices that define personal identity and beliefs," this new right of personal identity must broadly comprehend factual contexts well beyond the same-sex marriage facts of that case. 576 U.S. at 663. If this Court meant what it said in *Obergefell*, the right of personal identity applies not just to those who find their identity in their sexuality and sexual preferences—but

also to citizens who define and express their identity via their religious beliefs.

Christian people like Petitioner and her clients find their identity in Jesus Christ and the ageless, sacred tenets of His Word in the Holy Bible. For followers of Jesus, adhering to His commands is the most personal choice central to their individual dignity and autonomy. A Christian person, whose identity inheres in his or her religious faith orientation, is entitled to at least as much constitutional protection as those who find their identity in their sexual preference orientation. The appellate court grievously erred suggesting otherwise, cancelling petitioner's humanity, dignity, and autonomy, demanding that she abandon her identity when expressing principles that are so central to her life and faith.

There can be no doubt that this Court's recently identified substantive due process right of personal identity protects against government authorities who use public policy to persecute, oppress, and discriminate against Christian people.[2] Indeed, government must not use its power, irrespective of whether neutrally applied, in ways hostile to religion or religious viewpoints under this new "autonomy" paradigm. *Masterpiece Cakeshop,* 584 U.S. at 631. "[R]eligious and philosophical objections" to SOGI issues are constitutionally protected *Id.* at 631, (citing *Obergefell*, 576 U.S. at 679-80). Certainly, government ought to protect, not impede, the free expression of

2. While *amici* question the cogency of the substantive due process jurisprudence that birthed the court-created liberty articulated in *Obergefell,* it expects government to follow the now-established constitutional Rule of Law, including when it protects the personal identity and viewpoints of religious people.

religious conscience. *See, e.g., Trinity Lutheran,* 582 U.S. at 462 (holding the government violates the Free Exercise Clause if it conditions a generally available public benefit on an entity giving up its religious character); *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682, 719 (2014) (holding the RFRA applies to federal regulation of activities of closely held for profit companies); *Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC*, 565 U.S. 171, 196 (2012) (barring an employment discrimination suit brought against a religious school). State actions must uphold constitutionally protected freedoms, not grant special protections for some, while coercing others to engage in expression contrary to their religious identity and conscience.

Contrary to *Obergefell's* holding, the appellate court eviscerates the constitutional right to one's religious identity and religious expression.

6. Strict Scrutiny for Expression Grounded in Religious Conscience and Identity

Kennedy explains that the First Amendment Clauses "have complementary purposes" where constitutional protections for religious speech and the free exercise of religion "work in tandem," doubly protecting a person's religious expression and exercise of religious conscience. 597 U.S. at 523, 532. *Obergefell* teaches that beyond the First Amendment's double protection for religious expression, a substantive due process right to personal identity also compels this Court to always provide religious people with the highest standard of constitutional protection. Government action not only must avoid interfering with a citizen's religious expression and free exercise of religious

conscience, protected by the First Amendment, it must also refrain from violating their personal religious identity rights. In this light, therefore, the appellate court's application of low-level rational basis scrutiny must not stand. If it remains, government authorities will continue using such laws to oppress religious people like Petitioner and other professionals under the guise professional misconduct regulation. Moreover, only if this Court restores full protection for First Amendment freedom of conscience, will other constitutional freedoms remain secured. This Court should, therefore, restore the right of all persons to exercise fundamental freedoms under the First Amendment, as applied to the states through the Fourteenth Amendment.

B. Colorado's Law is Not Neutral or Generally Applicable, but Even if it is, this Court Should Revisit *Employment Division v. Smith* Which Erroneously Diminished the Free Exercise of Religious Conscience as a Fundamental Right.

While the Petition in this case asks this Court to decide whether the government's action violates just the Free Speech Clause, this Court has held that the First Amendment Clauses must be read together. Given this Court's guidance in *Kennedy*, and the appellate court's faulty Free Exercise Clause analysis culminating in its refusal to apply strict scrutiny, *amici* provide the following to assist this Court in reaching a sound constitutional basis for protecting First Amendment liberty in our nation.

To avoid applying strict scrutiny, the court of appeals wrongly characterized Colorado's law as neutral and generally applicable. Given that the law primarily, if not

exclusively, burdens religious conscience and expression, it strains credulity to call it a neutral law of general applicability. (See discussion *supra.*) Because counseling is inherently value-laden and ideologically charged, many individuals struggling with issues involving human sexuality look for counselors whose views and values align with their own. That is exactly what happened in this case when Petitioner's clients came to her seeking her conscience-based words of wisdom to assist in realigning their identity and sexuality consistent with the way God created them. Colorado cannot statutorily ban this viewpoint while legislatively approving a completely contrary viewpoint—and then claim it enacted a neutral and generally applicable law that regulates conduct.

Even if the government could properly characterize the law here as neutral and generally applicable, (thereby triggering mere rational basis review under *Employment Division v. Smith*), this Court still must reverse the appellate court. In *Smith,* this Court departed from its above discussed constitutional jurisprudence recognizing freedom of religion as a fundamental liberty interest protected by the First Amendment. 494 U.S. 872 (1990). Even though the government's action in *Smith* substantially infringed on the free exercise of religious liberty, *Smith* required no justification by the government for its conduct. To reach this radical result, *Smith* deemed neutral laws of general applicability excepted from the constitutional protection contra-expressed in the clear and plain language of the Free Exercise Clause.[3] *Smith* did

3. *Cf. Lukumi,* 508 U.S. 520 (1993) (applying strict scrutiny to a law substantially infringing on religious liberty when, in the subjective view of the reviewer, the law is not a neutral law

so despite a dearth of any supporting First Amendment jurisprudence deeply rooted in our Nation's history and traditions, or implicit in the concept of ordered liberty.

Justice Alito, concurring in *Fulton*, joined by Justices Thomas and Gorsuch, correctly recognized that:

> [*Smith*] abruptly pushed aside nearly 30 years of precedent and held that the First Amendment's Free Exercise Clause tolerates any rule that categorically prohibits or commands specified conduct so long as it does not target religious practice. Even if a rule serves no important purpose and has a devastating effect on religious freedom, the Constitution, according to *Smith*, provides no protection. This severe holding is ripe for reexamination.

Fulton, 593 U.S. at 545 (Alito, J., Thomas, J., and Gorsuch, J. concurring); see also, Justice Barrett, concurring in *Fulton*, joined by Justice Kavanaugh, documenting that "the textual and structural arguments against *Smith* are more compelling." *Id.* at 1883.

Indeed, *Smith's* rule diverges drastically from the protections afforded to religious conscience during the founding period. When "important clashes between generally applicable laws and the religious practices of particular groups" occurred, "colonial and state

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of general applicability). Given that the law in the case at bar primarily, if not exclusively, burdens religious conscience and expression, strong arguments exist that it is not a neutral law of general applicability.

legislatures were willing to grant exemptions—even when the generally applicable laws served critical state interests." *Id.* at 582.

Under the original understanding of the Free Exercise Clause, the Constitution protected a person against government actions violating the person's religious conscience. Thus, even when a generally applicable law, such as taking an oath or military conscription, interfered with religious conscience, the First Amendment provided protection. *Id.* At 582-583.

The accommodation for religious conscience during the revolutionary war "is especially revealing because during that time the Continental Army was periodically in desperate need of soldiers, the very survival of the new Nation often seemed in danger, and the Members of Congress faced bleak personal prospects if the war was lost. Yet despite these stakes, exemptions were granted." *Id.* at 583-84. In the face of a highly compelling governmental interest (the survival of the nation) and the presence of a generally applicable neutral law (military conscription), the willingness of the founders to grant exemptions based on religious conscience demonstrates how extensively the Free Exercise Clause was meant to protect religious practice. "In sum, based on the text of the Free Exercise Clause and evidence about the original understanding of the free exercise right, the case for *Smith* fails to overcome the more natural reading of the text. Indeed, the case against Smith is very convincing." *Id.* at 594.

Undeniably, the only real limit on religious liberty during the founding period, according to the constitutions

and laws of the states, was whether conduct would endanger "'the public peace" or "safety.'" *Id.* at 575. These words had precise meanings during the founding period. Peace meant, "1. Respite from war. . . . 2. Quiet from suits or disturbances. . . . 3. Rest from any commotion. 4. Stillness from riots or tumults. . . . 5. Reconciliation of differences. . . . 6. A state not hostile. . . . 7. Rest; quiet; content; freedom from terror; heavenly rest. . . ." While Safety was understood as "1. Freedom from danger. . . . 2. Exemption from hurt. 3. Preservation from hurt. . . ." *Id.* at 579 (citations omitted).

In comparison to the very specific meaning of the "public-peace-or-safety" carveouts limiting the free exercise of religion during the founding period, the *Smith* test inappropriately restricts the free exercise of religion under "neutral and generally applicable" laws.

Unsurprisingly, therefore, in response to *Smith*, Congress enacted the Religious Freedom Restoration Act (RFRA), 42 U.S.C. § 2000bb, *et seq.* The act expressly provides that:

> Government shall not substantially burden a person's exercise of religion, even if the burden results from a rule of general applicability, [unless] . . . it demonstrates that application of the burden to the person— (1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest.

42 U.S.C. § 2000bb-1. In promulgating the RFRA, Congress correctly acknowledged: "the framers of the

Constitution, recognizing free exercise of religion as an unalienable right, secured its protection in the First Amendment to the Constitution." 42 U.S.C. § 2000bb(a)(1). Congress stated the purpose of the legislation was

> (1) to restore the compelling interest test as set forth in *Sherbert v. Verner* and *Wisconsin v. Yoder*, and to guarantee its application in all cases where free exercise of religion is substantially burdened; and (2) to provide a claim or defense to persons whose religious exercise is substantially burdened by government.

42 U.S.C. § 2000bb(b)(1)-(2). Although this Court upheld the RFRA as applied to federal government actions, *Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal*, 546 U.S. 418 (2006), it also held Congress acted outside the scope of its constitutional authority as applied to the states, *City of Boerne v. Flores*, 521 U.S. 507 (1997). Thus, notwithstanding the plain language of the Free Exercise Clause, and despite Congress' attempt to statutorily reinstate an accurate understanding of the correct constitutional standard, *Smith* wrongly continues to allow state authorities to substantially interfere with the free exercise of religious conscience and expression. Consequently, unless a state affirmatively acts to restore fundamental right status to the free exercise of religion, *Smith* extinguishes critical constitutional limits on the exercise of the state's power. Given our nation's history, and the history of those who have fled to our shores, the framers rightly made religious liberty our First Liberty. For only as long as this Court preserves the freedom of conscience protected under the First Amendment, will our other freedoms remain secure. This Court, therefore, ought to revisit and reverse *Smith*.

The SOGI conversation censorship law in the case at bar (and other ubiquitous special SOGI preferences, imposed by state and local authorities), exacerbate the threat to the free exercise and expression of religious conscience. As discussed previously, these government actions necessarily require Christian people to: 1) relinquish their religious identity; and 2) surrender their right to freely exercise and express their religious conscience. State enforcement of "neutral" SOGI preferences often weaponize state action to eliminate the First Amendment as an important constitutional constraint on the exercise of state authority. Indeed, since *Smith,* religious people in our nation face a far more horrific predicament than the drafters and ratifiers of the Constitution and Bill of Rights could ever have imagined. This is especially so in any regulated profession where the government recharacterizes religious conscience and expression as the regulation of professional conduct. For example, a state supreme court recently promulgated a rule compelling all state judges to address attorneys and parties using SOGI pronouns provided by the attorneys and parties. See, *Comment of the Religious Liberty Law Section of the State Bar of Michigan on Proposed Amendment of Rule 1.109 of the Michigan Court Rules (The rule provides no accommodation for religious conscience).*

This Court should revisit *Smith's* diminishment of religious liberty, especially considering *Obergefell's* recognition of constitutional protection afforded to personal identity, liberty, and equal protection. And especially in light of *Kennedy's* recognition that the Constitution requires that the First Amendment Clauses be read together—doubly protecting religious expression.

CONCLUSION

For the reasons provided in this brief, *Amici Curiae* urge this Court to apply strict scrutiny to Colorado's SOGI conversation censorship law and reverse the United States Court of Appeals for the Tenth Circuit.

Respectfully submitted,

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June 6, 2025

APPENDIX

TABLE OF APPENDICES

APPENDIX — LIST OF *AMICI CURIAE*: LEGISLATORS FROM 30 STATE LEGISLATURES

Colorado State Legislators of the 75th Colorado General Assembly include:

Rep. Scott Bottoms represents the citizens of Colorado living in House District 15 in El Paso County.

Rep. Brandi Bradley represents the citizens of Colorado living in House District 39 in Douglas County.

Rep. Max Brooks represents the citizens of Colorado living in House District 45 in Douglas County.

Rep. Ken DeGraaf represents the citizens of Colorado living in House District 22 in El Paso County.

Rep. Stephanie Luck represents the citizens of Colorado living in House District 60, including Chaffee, Custer, Fremont, Pueblo, and Teller Counties.

Rep. Chris Richardson represents the citizens of Colorado living in House District 56, including Adams, Arapahoe, Cheyenne, El Paso, Elbert, Kit Carson, and Lincoln Counties.

Rep. Larry Don Suckla represents the citizens of Colorado living in House District 58, including Delta, Dolores, Gunnison, Hinsdale, Montezuma, Montrose, Ouray, and San Miguel Counties.

Sen. Mark Baisley represents the citizens of Colorado living in Senate District 4, including Chaffee, Custer, Douglas, Fremont, Jefferson, Lake, Park, and Teller Counties.

Alaska Legislators of the 34th Alaska State Legislature include:

Rep. Kevin McCabe represents the citizens of Alaska living in House District 30, including Mat-Su Borough and Denali Borough.

Rep. Sarah Vance represents the citizens of Alaska living in House District 6, including the Lower Kenai Peninsula, from Kasilof to the head of Kachemak Bay.

Arizona Legislators of the 57th Arizona State Legislature include:

Sen. Frank Carroll represents the citizens of Arizona living in Senate District 28, including Maricopa County.

Sen. Anthony Kern represents the citizens of Arizona living in Senate District 27, including Maricopa County.

Arkansas Legislators of the 95th General Assembly of the Arkansas State Legislature include:

Rep. Mary Bentley represents the citizens of Arkansas living in House District 54, including Perry, Faulkner, Saline, and Yell Counties.

> Rep. Alyssa Brown represents the citizens of Arkansas living in House District 41, including Cleburne and Stone Counties.
>
> Rep. Ryan Rose represents the citizens of Arkansas living in House District 48, including Crawford and Sebastian Counties.
>
> Sen. Matt McKee represents the citizens of Arkansas living in Senate District 6, including Garland and Saline Counties.

Connecticut Legislators of the 2025 Regular Session of the Connecticut General Assembly include:

> Rep. Mark Anderson represents the citizens of Connecticut living in House District 62, including Hartford and Litchfield Counties.
>
> Rep. Anne Dauphinais represents the citizens of Connecticut living in House District 44, including Killingly, Plainfield, and Sterling Counties.

Delaware Legislators of the 153rd Delaware General Assembly include:

> Sen. Bryant Richardson represents the citizens of Delaware living in Senate District 21, including Sussex County.

Georgia Legislators of the 2025-2026 Regular Session of the Georgia State Legislature include:

Rep. Charlice Byrd represents the citizens of Georgia living in House District 20, including Cherokee County.

Rep. Matthew Gambill represents the citizens of Georgia living in House District 15, including Cartersville, Emerson, Allatoona, and Bartow Counties.

Rep. Noelle Kahaian represents the citizens of Georgia living in House District 81, including Henry County.

Idaho Legislators of the 2025 Idaho State Legislature include:

Rep. Barbara Dee Ehardt represents the citizens of Idaho living in House District 33, including Bonneville County.

Rep. Jordan Redman represents the citizens of Idaho living in House District 3, including Kootenai County.

Rep. Heather Scott represents the citizens of Idaho living in House District 2A, including Bonner, Clearwater, Shoshone, Benewah, and Kootenai Counties.

Rep. Steven Tanner represents the citizens of Idaho living in House District 13, including Canyon County.

Illinois Legislators of the 104th Illinois General Assembly include:

> Rep. Jed Davis represents the citizens of Illinois living in House District 75, including DeKalb, Grundy, Kendall, LaSalle, and Will Counties.

Indiana Legislators of the 124th Indiana General Assembly include:

> Rep. Shane Lindauer represents the citizens of Indiana living in House District 63, including Dubois, Daviess, Martin, and Pike Counties.

Iowa Legislators of the 91st General Assembly of the Iowa Legislature include:

> Sen. Sandy Salmon represents the citizens of Iowa living in Senate District 29, including Bremer, Butler, Chickasaw, and Floyd Counties.

Kansas Legislators of the 2025-2026 Regular Session of the Kansas State Legislature include:

> Rep. Bill Rhiley represents the citizens of Kansas living in House District 80, including Cowley and Sumner Counties.
>
> Sen. Brad Starnes represents the citizens of Kansas living in Senate District 22, including Riley County.

Louisiana Legislators of the 2025 Regular Legislative Session of the Louisiana State Legislature include:

Rep. Kathy Edmonston represents the citizens of Louisiana living in House District 88, including Ascension Parish.

Maine Legislators of the 132nd Maine State Legislature include:

Rep. Katrina Smith represents the citizens of Maine living in House District 62, including Waldo, Lincoln, and Kennebec Counties.

Sen. Stacey Guerin represents the citizens of Maine living in Senate District 4, including Penobscot and Piscataquis Counties.

Michigan Legislators of the 103rd Michigan Legislature include:

Rep. Gregory Alexander represents the citizens of Michigan living in House District 98, including Huron, Lapeer, Sanilac, and Tuscola Counties.

Rep. Joseph Aragona represents the citizens of Michigan living in House District 60, including Macomb County.

Rep. Ann Bollin represents the citizens of Michigan living in House District 49, including Livingston and Oakland Counties.

Rep. Cam Cavitt represents the citizens of Michigan living in House District 106, including

Alcona, Alpena, Cheboygan, Montmorency, Oscoda, and Presque Isle Counties.

Rep. Nancy DeBoer represents the citizens of Michigan living in House District 86, including Allegan and Ottawa Counties.

Rep. Jay DeBoyer represents the citizens of Michigan living in House District 63, including Macomb and St. Clair Counties.

Rep. Joseph Fox represents the citizens of Michigan living in House District 101, including Lake, Mason, Newaygo, Oceana, and Wexford Counties.

Rep. Jaime Green represents the citizens of Michigan living in House District 65, including Lapeer, Macomb, and St. Clair Counties.

Rep. Mike Hoadley represents the citizens of Michigan living in House District 99, including Arenac, Bay, Clare, Gladwin, Iosco, and Ogemaw Counties.

Rep. Gina Johnsen represents the citizens of Michigan living in House District 78, including Kent, Ionia, Barry, and Eaton Counties.

Rep. Luke Meerman represents the citizens of Michigan living in House District 89, including Ottawa, Muskegon, and Kent Counties.

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Rep. Brad Paquette, represents the citizens of Michigan living in House District 37, including Berrien and Cass Counties.

Rep. Rachelle Smit represents the citizens of Michigan living in House District 43, including Allegan, Barry, Eaton, and Ottawa Counties.

Rep. Jamie Thompson represents the citizens of Michigan living in House District 28, including Monroe and Wayne Counties.

Rep. Curtis Vanderwall represents the citizens of Michigan living in House District 102, including Manistee, Mason, Muskegon, and Oceana Counties.

Rep. Jason Woolford represents the citizens of Michigan living in House District 50, including Livingston County.

Sen. Ed McBroom represents the citizens of Michigan living in Senate District 38, including Alger, Baraga, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Marquette, Menominee, Ontonagon, Schoolcraft, Chippewa and Mackinac Counties.

Sen. Lana Theis represents the citizens of Michigan living in Senate District 22, including Livingston, Genesee, Ingham, Oakland, and Shiawassee Counties.

Appendix A

Missouri Legislators of the 103rd Missouri General Assembly include:

> Rep. Bob Titus represents the citizens of Missouri living in House District 139, including Christian County.

Montana Legislators of the 69th Montana State Legislature include:

> Rep. Amy Regier represents the citizens of Montana living in House District 6, including Flathead County.

New Mexico Legislators of the 57th New Mexico Legislature include:

> Sen. William Sharer represents the citizens of New Mexico in Senate District 1, including San Juan County.

North Carolina Legislators of the 2025-2026th Session of the North Carolina General Assembly include:

> Rep. Donnie Loftis represents the citizens of North Carolina in House District 109, including Gaston County.
>
> Sen. Ted Alexander represents the citizens of North Carolina in Senate District 44, including Cleveland, Gaston, and Lincoln Counties.

Appendix A

North Dakota Legislators of the 69th North Dakota Legislative Assembly include:

> Rep. Donna Henderson represents the citizens of North Dakota living in House District 15, including Cavalier, Ramsey, and Towner Counties.
>
> Rep. Desiree Morton represents the citizens of North Dakota living in House District 46, including Cass County.
>
> Rep. SuAnn Olson represents the citizens of North Dakota living in House District 8, including Burleigh, Emmons, and McLean Counties.
>
> Sen. Keith Boehm represents the citizens of North Dakota living in Senate District 33, including Mercer, Mclean, Morton, and Oliver Counties

Oklahoma Legislators of the 60th Oklahoma State Legislature include:

> Rep. Cody Maynard represents the citizens of Oklahoma living in House District 21, including Bryan and Marshall Counties.

Ohio Legislators of the 136th Ohio General Assembly include:

> Rep. Gary Glick represents the citizens of Ohio living in House District 88, including Sandusky and Seneca Counties.

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Oregon Legislators of the 83rd Oregon Legislative Assembly include:

> Sen. Diane Linthicum represents the citizens of Oregon living in Senate District 28, including Klamath and Deschutes Counties.

Pennsylvania Legislators of the 2025-2026 Regular Session of the Pennsylvania General Assembly include:

> Rep. David Zimmerman represents the citizens of Pennsylvania living in House District 99, including Berks and Lancaster Counties.

South Carolina Legislators of the 126th South Carolina General Assembly include:

> Rep. John McCravy III represents the citizens of South Carolina living in House District 13, including Greenwood and Laurens Counties.
>
> Sen. Lawrence Grooms represents the citizens of South Carolina living in Senate District 37, including Berkeley and Charleston Counties.
>
> Sen. Mike Reichenbach represents the citizens of South Carolina living in Senate District 31, including Florence County.

Tennessee Legislators of the 114th Tennessee General Assembly include:

Rep. Chris Todd represents the citizens of Tennessee living in House District 73, including Madison County.

Sen. Janice Bowling represents the citizens of Tennessee living in Senate District 16, including Coffee, Dekalb, Franklin, and Grundy Counties.

Texas Legislators of the 89th Texas Legislature include:

Rep. Mark Dorazio represents the citizens of Texas living in House District 122, including Bexar County.

Utah Legislators of the 2025 General Session of the Utah State Legislature include:

Rep. Kay Christofferson represents the citizens of Utah living in House District 53, including Utah County.

Rep. Mike Petersen represents the citizens of Utah living in House District 2, including Cache County.

Rep. Troy Shelley represents the citizens of Utah living in House District 66, including Utah, Juab, and Sanpete County.

Rep. Rex Shipp represents the citizens of Utah living in House District 71, including Iron County.

Appendix A

West Virginia Legislators of the 87th West Virginia Legislature include:

> Del. Elias Coop-Gonzalez represents the citizens of West Virginia living in House District 67, including Randolph and Pendleton Counties.

Wyoming Legislators of the 68th Wyoming Legislature include:

> Rep. Scott Heiner represents the citizens of Wyoming living in House District 18, including Sweetwater and Lincoln Counties.