

# STATE OF COLORADO

## Colorado General Assembly

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## MEMORANDUM

**To:** Marty Neilson & Frank Atwood

**From:** Legislative Council Staff and Office of Legislative Legal Services

**Date:** March 2, 2026

**Subject:** Proposed Initiative Measure 2025-2026 # 245, Concerning state and local initiatives and referenda

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Legislative Council Staff and the Office of Legislative Legal Services to "review and comment" on initiative petitions for proposed laws and amendments to the Colorado Constitution. We hereby submit our comments and questions to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the directors of Legislative Council Staff and the Office of Legislative Legal Services is to provide comments and questions intended to aid designated representatives, and the proponents they represent, in determining the language of their proposal and to avail the public of the contents of the proposal. Our first objective is to be sure we understand your intended purposes of the proposal. We hope that the comments and questions in this memorandum provide a basis for discussion and understanding of the proposal. Discussion between designated representatives or their legal representatives and employees of the Legislative Council Staff and the Office of Legislative Legal Services is encouraged during review and comment meetings, but comments or discussion from anyone else is not permitted.

An earlier version of this proposed initiative, proposed initiative 2025-2026 #224, was submitted by the same designated representatives, was the subject of a memorandum dated January 23, 2026, and was discussed at a public meeting on January 27, 2026. The comments and questions raised in this memorandum do not include comments and questions that were addressed in the earlier memorandum or at the earlier meeting, except as necessary to fully understand the issues raised by the revised proposed

initiative. Prior comments and questions that are not restated in this memorandum continue to be relevant and are considered part of this memorandum.

## **Purposes**

The major purposes of the proposed amendments to the Colorado Revised Statutes appear to be:

1. To extend initiatives and referenda to all districts, including local and home rule governments;
2. To modify the following aspects of the petition process: filing procedures, title setting, deadlines, signature form and review, number of signatures required, protest and appeals, voter information, enforcement, and election timing;
3. To expand the Colorado Supreme Court's role in reviewing petitions;
4. To restrict the General Assembly's authority to make bills petition exempt and requiring certain language in the ballot title of petitions concerning bills;
5. To require petitions to change petitions and to require voter approval for bills that concern topics that were the subject of bills that voters rejected through referenda;
6. To eliminate the Title Board;
7. To repeal any laws that conflict with the proposed amendments to the Colorado Revised Statutes;
8. To establish fines for interfering with petitioners; and
9. To void petition fines, fees, or costs assessed after 2024.

## **Substantive Comments and Questions**

The substance of the proposed initiative raises the following comments and questions:

1. Article V, section 1 (5.5) of the Colorado Constitution requires all proposed initiatives to have a single subject. What is the single subject of the proposed initiative?
2. The following questions relate to proposed section 1-40-137 (1) (2):
  - a. This section states: "Local initiative entries shall top 4% of district electors in its last election." Because this clause specifically applies to local initiatives, what is the required signature threshold for statewide initiatives? Does it default to the constitutional standard of five percent of the total number of votes cast for all candidates for the office of secretary of state at the previous general election?
  - b. What is meant by "district electors in its last election"? Does this refer to the total number of registered electors at the time of the last election, or the number of electors who actually cast a ballot in that election?
  - c. This section states that "only private parties may protest specific itemized entries on specific grounds." Does the limitation of "specified itemized entries" mean that multiple entries cannot be protested at the same time? What is meant by "specific grounds," and who is responsible for determining what constitutes a specific ground for protest?
3. Proposed section 1-40-137 (1) (3) states that "[f]ilings by August 1 may allow November Election Day on any topic." Does the use of the word "may" imply that ballot access is discretionary? If so, who has the discretion to determine whether a question is allowed on the November ballot?
4. Proposed section 1-40-137 (2) states: "12 bills may be state petition-exempt yearly." Does this represent a maximum limit of 12 bills, or could the General Assembly exempt more than 12 bills in a given year?
5. Proposed section 1-40-137 (4) states: "Except Article V, changing petitions requires petitions." Does "changing petitions" refer to amending the text of a petition itself during the drafting and review phase, or does it refer to amending the resulting statute after a petition has been enacted?

## Technical Comments

The following comments address technical issues raised by the form of the proposed initiatives. These comments will be read aloud at the public meeting only if the designated representatives so request. You will have the opportunity to ask questions about these comments at the review and comment meeting. Please consider revising the proposed initiative as follows:

1. Each section of a bill is numbered. The proposed initiative should include “**SECTION 1.**” after the enacting clause, followed by an amending clause.
2. Each statutory section being amended, repealed, or added is preceded by a separate clause, referred to as the “amending clause,” that explains how the law is being changed. Amending clauses are written in lowercase type and follow a specific format. The proposed initiative should include the following:  
“In Colorado Revised Statutes, **add** section 1-40-137 as follows:”
3. It is standard drafting practice to use small capital letters to show the language being added to the C.R.S. The headnote should remain in lowercase letters. To find small capital letters in Microsoft Word, go to the Home tab, click the arrow in the bottom right corner of the Font group, and in the Font dialog box, check the Small Caps checkbox under Effects.
4. The Colorado Revised Statutes are divided into sections, and each section may contain subsections, paragraphs, subparagraphs, and sub-subparagraphs. This structure should be followed to ensure consistency in the structure of the statutes. For example, subsection (1) of the proposed initiative should be further divided into paragraphs (a) through (c) instead of (1) through (3).
5. References to statutory section numbers should be included in full, consisting of the title, article, and section number.
6. It is not necessary to include “C.R.S.” after each statutory section number.
7. The title, article, part, or subsection number or letter you're referencing needs to be specified. For example, “Article V” should instead read “article V of the state constitution.”