

# STATE OF COLORADO

## Colorado General Assembly

Natalie Mullis, Director  
Legislative Council Staff

**Colorado Legislative Council**  
200 East Colfax Avenue Suite 029  
Denver, Colorado 80203-1716  
Telephone 303-866-3521  
Facsimile 303-866-3855  
Email: lcs.ga@state.co.us



Sharon L. Eubanks, Director  
Office of Legislative Legal Services

**Office of Legislative Legal Services**  
200 East Colfax Avenue Suite 091  
Denver, Colorado 80203-1716  
Telephone 303-866-2045  
Facsimile 303-866-4157  
Email: olls.ga@state.co.us

## MEMORANDUM

**TO:** Donald Creager III and John Ebel  
**FROM:** Legislative Council Staff and Office of Legislative Legal Services  
**DATE:** April 16, 2021  
**SUBJECT:** Proposed initiative measure 2021-2022 #35, concerning Petitions

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Colorado Legislative Council 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 to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the directors of Legislative Council and the Office of Legislative Legal Services is to provide comments intended to aid proponents in determining the language of their proposal and to avail the public of knowledge of the contents of the proposal. Our first objective is to be sure we understand your intent and your objective in proposing the amendment. We hope that the statements and questions contained in this memorandum will provide a basis for discussion and understanding of the proposal.

Earlier versions of this proposed initiative, proposed initiatives 2021-2022 # 6, 2021-2022 ##8-12, and 2021-2022 ## 23 and 24, were the subject of memoranda dated November 27, 2020, December 31, 2020, and March 22, 2021, which were discussed at public meetings on November 30, 2020, January 6, 2021, and March 25, 2021. The substantive and technical comments and questions raised in this memorandum will not include comments and questions that were addressed at the earlier meetings, except as necessary to fully understand the issues raised by the revised proposed initiative. However, the prior comments and questions that are not restated here continue to be relevant and are hereby incorporated by reference in this memorandum.

## Purposes

The major purposes of the proposed amendment to the Colorado constitution and Colorado Revised Statutes appear to be:

1. To modify the following aspects of the petition process: filing procedures, deadlines, government administration, signature form and review, number of signatures required, protest and appeals, voter information, enforcement, and election timing;
2. To extend initiatives and referenda to counties and other local governments;
3. To restrict the Colorado General Assembly's authority to make bills petition exempt;
4. To allow laws enacted by initiative to be changed only by another initiative;
5. To repeal the requirement that constitutional amendments, other than those that are limited to repealing a provision, must be approved by 55% of the voters; and
6. To grant anyone standing to sue for any issue in the proposed amendment to the Colorado Revised Statutes.

## 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. How does the language of the second to last sentence in section 4, which grants standing to sue, relate to the language that is being amended or repealed in the Colorado Constitution?
3. Why is "constitutional amendment" in quotes in the last sentence? Does this refer to section 1 (4)(b) of article V of the Colorado Constitution? If so, would the proponents consider referencing that section of the Colorado Constitution?
4. What is meant by the last sentence of section 4 of the proposed initiative? More specifically, what is meant by "repealing words"?

5. Does the last sentence of section 4 of the proposed initiative create a second subject for the proposed initiative?

## **Technical Comments**

There are no new technical comments.