

# LAW SUMMARY

*Office of Legislative Legal Services*



## ***THE ROLE OF LEGISLATIVE STAFF IN THE INITIATIVE PROCESS<sup>1</sup>***

### **1. Proponents submit the measure to legislative staff to begin the initiative process.**

Proponents who intend to circulate petitions to place a measure on the ballot are required to submit a draft of the measure to the directors of the Legislative Council Staff and the Office of Legislative Legal Services for review and comment. The draft must be typewritten and should use plain, nontechnical language that is understandable to the average reader. Proponents should send the draft by mail, electronic mail, or telefax to Legislative Council Staff.

At the time of submission, the proponents must identify the names and addresses of two people who are the designated representatives of the proponents. These individuals represent the proponents in matters related to the initiative at review and comment and title board meetings and receive notices concerning the initiative.

### **2. Legislative staff conduct a review and comment meeting about the measure with the designated representatives.**

Staff from the two offices prepare a "review and comment" memorandum and conduct a public meeting two weeks after submission of the measure. In the memorandum and at the meeting, staff ask the designated representatives questions and make comments that are designed to clarify the language of the proposal and ensure the language reflects the proponents' intent.

Both designated representatives are required to attend the review and comment meeting. If either designated representative fails to attend the meeting, the measure is considered withdrawn by the proponents. Proponents are not required to make any changes in response to the review and comment. If the proponents make substantial amendments to the proposal not in response to the review and comment, they are required to resubmit the proposal to

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<sup>1</sup>This summary contains information commonly requested from the Office of Legislative Legal Services. It does not represent an official legal opinion of the General Assembly or the state of Colorado and does not bind the members of the General Assembly. It is intended to provide a general overview of Colorado law as of the date of its preparation. Any person needing legal advice should consult his or her own lawyer and should not rely on the information in this memorandum.

the directors. If staff has additional comments on the resubmitted proposal, there will be another review and comment memorandum and meeting, which will be held two weeks after the resubmission.

**3. Staff from the Office of Legislative Legal Services are on the Title Board, which sets the initiative's ballot title.**

Proponents may submit the measure to the Secretary of State for consideration by the Title Board if they have no changes to it or if they make changes in response to the review and comment. The Title Board sets an initiative's ballot title, which is the question that appears on the ballot. It is composed of the Secretary of State, the Attorney General, and the Director of the Office of Legislative Legal Services, or their designees, and meets on the first and third Wednesdays of certain months to consider all measures that have been filed at least twelve days before each meeting. The Title Board's first meeting is held no sooner than December after an election, and the last meeting is held no later than April in the year in which a measure is to be voted on.

Prior to the hearing, staff from the Office of Legislative Legal Services will prepare a ballot title draft, which the Title Board usually uses as the starting point for its ballot title discussion.

At the hearing, the Title Board first determines if the measure contains a single subject. If not, the Title Board cannot set a ballot title. If the Title Board finds that the measure contains a single subject, the Title Board sets a ballot title for the proposal.

**4. Legislative Council Staff prepares a fiscal summary.**

Legislative Council Staff is required to prepare a fiscal summary for each initiative that is properly submitted to the Title Board, and the fiscal summary must be included in a petition section that is circulated for signatures, if the proponents continue to that step.

For a detailed explanation of the initiative process, see [section 1 of article V](#) of the Colorado Constitution and [article 40 of title 1](#), C.R.S.

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LAST REVIEWED: October 10, 2023

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