

STATE OF COLORADO

Colorado General Assembly

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MEMORANDUM

To: Sean Cole and Mark Landess

From: Legislative Council Staff and Office of Legislative Legal Services

Date: January 29, 2026

Subject: Proposed initiative measure 2025-2026 #226, concerning a living human being's right to life from the time of conception

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.

Purpose

The major purpose of the proposed amendment to the Colorado Constitution appears to be to establish the right to life for every living human being beginning at the time of conception.

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. Article V, section 1 (4)(a) of the Colorado Constitution requires that when the majority of voters approve an initiative, the initiative is effective on and after the date of the official declaration of the vote and proclamation of the governor.

Because the proposed initiative does not contain an effective date, this would be the default effective date. Does this default effective date satisfy your intent? If not, you should include the desired effective date that is not earlier than the default effective date to comply with this constitutional requirement.

3. A proposed initiative must indicate where the text of the proposed initiative will be located in the Colorado Constitution. Please indicate where in the constitution you would like the new section added. Technical Comment #1, below, shows how to use an amending clause to indicate placement.
4. How does this proposed initiative work with the constitutional right to abortion established in article II, section 32 of the Colorado Constitution? Does the proposed initiative conflict with section 32?
5. What constitutes a “living human being” for purposes of this proposed initiative?

Technical Comments

The following comments address technical issues raised by the form of the proposed initiative. 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. New language added to the Colorado Constitution is preceded by a separate clause referred to as an “amending clause” that explains how the law is being changed. Amending clauses are written in lowercase type and follow a specific format. For example:

SECTION #. In the constitution of the state of Colorado, **add** section [] to article [] as follows:

2. Each section in the Colorado Constitution has a headnote. Headnotes briefly describe the content of the section. For example:

Section 32. Abortion. TEXT BEING ADDED TO THE COLORADO CONSTITUTION.

3. It is standard drafting practice to use **SMALL CAPITAL LETTERS** to show the language being added to the Colorado Constitution. 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.