

PROPOSED CONSTITUTIONAL INITIATIVE 2025-2026 # _____

In the Constitution of the State of Colorado, Article II, **add** Section 33 as follows

Be it enacted by the People of the State of Colorado:

(1) Declaration.

- (a) The people find and declare that because all political power is vested in and derived from the people, and by right all government originates from the people, is founded upon their will alone, and is instituted for the good of the whole, the people have a fundamental right to know the affairs of all levels of state and local government; and
- (b) The people find and declare that access to public proceedings and access to public records is the great bulwark of their authority over their government, securing their rights and liberties, and is encompassed within the people's fundamental right to know the affairs of all levels of state and local government; and
- (c) The people find and declare that Colorado state and local governments have increasingly infringed on the fundamental right to know the affairs of government by adopting restrictions and policies to prevent or restrict persons from accessing and observing any and all proceedings or meetings of such bodies; and
- (d) The people further find and declare that Colorado state and local governments have infringed on the fundamental right to know the affairs of government by increasingly denying access or imposing unwarranted or unreasonable burdens on such access for persons to inspect and examine any and all public records.
- (e) Now, therefore, the people find and declare that it is necessary and prudent to establish a fundamental constitutional right of all persons to know the affairs of all levels of state and local government that guarantees access to public proceedings and public records.

(2) Fundamental Right. All persons shall have the fundamental right to know the affairs of all levels of state and local government which guarantees access to public proceedings and public records.

(3) Applicability. No person shall be denied or deprived or unreasonably burdened in the exercise of the fundamental right to know the affairs of all levels of state and local government, which guarantees the right to access to examine public records and public proceedings and to observe the meetings, deliberations, discussions and presentations of all public bodies of state government and local governments. This fundamental right of the public to know the affairs of all levels of state and local government shall apply to all public records and public meetings and therefore shall not apply to records or meetings that are private such that the demand of individual privacy or other highly compelling state interest clearly exceeds the merits of public transparency and accountability. Because all persons have the fundamental right to know the affairs of government which encompasses the fundamental right to fully access public records and the meetings, deliberations, discussions and presentations of public bodies, any government

office, official, officer, employee, or public body, in any branch of government, that asserts that any meeting is not open to the public or that any portion of any public record is private such that the demand of individual privacy or other highly compelling state interest clearly exceeds the merits of public transparency and accountability, and is thus exempt from disclosure or access to the public pursuant to this section, must demonstrate, by clear and convincing evidence, that such meeting or information is exempt.

(4) Conflicting provisions declared inapplicable. Any provisions in any local ordinance, rule, or regulation, charter, or in any rule, regulation or the statutes of this state in conflict or inconsistent with this section are hereby declared to be preempted by this section and inapplicable to the matters covered by and provided for in this section.

(5) Legislation. This section shall apply to any and all state and local governmental entities. Any such state and local governmental entities may enact legislation to facilitate the operation of this section, but in no way shall such legislation limit or restrict the provisions of this section or the powers herein granted except as specified herein and to enact measures reducing the costs of obtaining access to examine and inspect public records or access to public meetings.

(6) Severability. If any provision of this section or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the section which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared to be severable.

(7) Self-Executing. This section shall be in all respects self-executing but the general assembly may by law provide for more effective enforcement for persons seeking to vindicate the public's fundamental right to know the affairs of government at all levels of state and local government, which guarantees the right to access and examine public records and the right to access public proceedings and to observe the discussions, deliberations, and presentations of all public bodies or agencies of state or local government.

(8) Sanctions. Any public official, officer, employee or agent who knowingly violates these provisions shall be subject to a civil penalty of at least \$1,000.00 for each violation. A violation shall be determined for each instance of a denial or abrogation or infringement of the right to access public records or meetings, unless exempt pursuant to paragraph 3 of this section.

(9) Effective date. This act shall take effect upon proclamation by the governor pursuant to Sec. 1(4) of Article V of the Colorado Constitution.