

STATE OF COLORADO

Colorado General Assembly

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MEMORANDUM

To: Suzanne Taheri and Michael Fields

From: Legislative Council Staff and Office of Legislative Legal Services

Date: February 18, 2026

Subject: Proposed initiative measures 2025-2026 #234 and 2025-2026 #235, concerning plain language ballot questions

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.

Proposed initiatives **2025-2026 #234** and **#235** were submitted by the same designated representatives as a series of proposed initiatives. The comments and questions raised in this memorandum address proposed initiatives **2025-2026 #234** and **#235**.

Purposes

Purposes for Proposed Initiative 2025-2026 #234

The major purposes of the proposed amendment to the Colorado Constitution appear to be:

1. To require that measures initiated by or referred to the people in accordance with the Colorado Constitution be in plain language and written at no more than an eighth-grade reading level.
2. To prohibit the Colorado Revised Statutes from interfering with the proposed amendment to the Colorado Constitution by requiring certain language in the ballot title of an initiative.

Purposes for Proposed Initiative 2025-2026 #235

The major purposes of the proposed amendment to the Colorado Constitution appear to be:

1. To require that measures initiated by or referred to the people in accordance with the Colorado Constitution be in plain language, be written at no more than an eighth-grade reading level, and do not exceed 100 words in length.
2. To prohibit the Colorado Revised Statutes from interfering with the proposed amendment to the Colorado Constitution by requiring certain language in the ballot title of an initiative.

Substantive Comments and Questions

The substance of the proposed initiatives 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 each of the proposed initiatives?
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 initiatives do 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. Article V, section 1 of the Colorado Constitution repeatedly refers to “measures to be voted on” or “measures initiated by or referred to the people,” while the proposed initiatives refer to a “ballot question” or “ballot title.” Is there a reason for this discrepancy in terms? If not, consider replacing the terms “ballot question” and “ballot title” for consistency and clarity.
4. Do the proponents intend for the requirements of one or both of the sentences in the proposed initiative to refer to legislatively referred measures?
5. Proposed initiatives #234 and #235 state that “[n]o statute may interfere” with the requirements in the proposed initiatives “by mandating language preceding... a ballot title of an initiative.” How does this interact with the ballot language requirements in article X, section 20 of the Colorado Constitution?
6. The term “may” is generally construed as permissive, while the term “shall” denotes a requirement. Proposed initiative #235 states that ballot questions “may not exceed one hundred words” and both proposed initiatives state that “no statute may interfere” with the proposed initiatives. Were these provisions meant to be permissive or mandatory?
7. What is the standard for determining whether language is at an eighth-grade reading level? Have the proponents identified any ballot questions that comply with this requirement?
8. Who is responsible for determining whether ballot questions are “in plain language” and “at no more than an eighth grade reading level”, and at what stage during the initiative process should this determination be made?

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. It is common drafting practice to use a hyphen between two words that serve as a compound modifier before a noun. Consider adding a hyphen to "eighth grade".
2. It is common drafting practice to use commas to set off the final element in a series with a comma to avoid ambiguity. Consider adding a comma after "following".