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Colorado General Assembly

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MEMORANDUM

To: Emerson Sturgis & Marilee Sturgis

From: Legislative Council Staff and Office of Legislative Legal Services

Date: February 18, 2026

Subject: Proposed Initiative Measure 2025-2026 #236, Concerning Colorado Independence

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.

Purposes

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

1. To declare Colorado an independent nation and establish the Colorado Constitution as the supreme law of the land;
2. To notify the United Nations and other nations of this independence and request diplomatic recognition and membership in international organizations, including the United Nations and the International Criminal Court;
3. To establish Colorado citizenship standards, including automatic citizenship for those born in Colorado or born to Colorado citizens, and for those who have lived in Colorado for the last year or are registered to vote at the time of enactment;
4. To mandate an open immigration policy allowing anyone to enter and stay in Colorado without a visa, and prohibiting the denial of employment based on citizenship or visa status;
5. To amend the Taxpayer's Bill of Rights (TABOR) to allow the General Assembly to enact "border adjustments" (import taxes and export rebates) and "retaliatory tariffs" without voter approval;
6. To mandate a state takeover of all programs funded by the United States as of January 19, 2025, increasing state spending limits and taxes to match the displaced federal funding;
7. To authorize the seizure and sale of residential property owned by individuals who do not reside in Colorado for at least 183 days per year;
8. To seize all property within Colorado owned by the United States government;
9. To adopt all United States laws, regulations, and executive orders in effect on January 19, 2025, as Colorado law (replacing terms like "United States" with "Colorado" and "President" with "Governor"), while declaring all U.S. acts issued on or after January 20, 2025, null and void;
10. To recognize specific entities as independent nations, including Somaliland, Catalonia, and the Democratic Autonomous Administration of North and Eastern Syria;

11. To mandate the arrest and surrender of any person in Colorado sought by the International Criminal Court;
12. To prohibit counties, cities, and towns from seceding from Colorado;
and
13. To establish a "provisional government" with the power to overrule the Constitution if the sitting government refuses to enforce the initiative, designating such refusal as treason.

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. The following question relates to section 1 of the proposed initiative:
 - a. The initiative declares the Colorado Constitution the "supreme law of the land". How do the proponents reconcile this with Article VI, clause 2 of the United States Constitution (the Supremacy Clause)?
3. The following question relates to section 2 of the proposed initiative:
 - a. What does it mean to "send the ... document to the people of Colorado"?
 - b. This section does not appear to be a change or addition to Colorado law. How do the proponents intend to require the secretary of state to comply with this section of the proposed initiative?
4. The following questions relate to section 3 of the proposed initiative:
 - a. This section creates a new kind of citizenship: Colorado citizenship. How do the proponents intend for this new citizenship to interact with the United States citizenship granted by the Fourteenth Amendment to the U.S. Constitution?
 - b. What is the significance of being a citizen of Colorado rather than a resident non-citizen of Colorado?

- c. This section states that anyone who "has lived in Colorado for the last year" becomes a citizen "automatically and necessarily". Does this confer citizenship upon individuals currently in Colorado on temporary status, such as students or tourists, if they have been present for a year? How is the phrase "the last year" determined?
 - d. How does the "voluntary forfeiture" of citizenship interact with the provision that certain individuals become citizens "automatically and necessarily"? Can an automatic citizen immediately forfeit that status?
 - e. How does the last sentence of this section interact with the statement that a person who "has lived in Colorado for the last year...must apply for citizenship"?
 - f. What criteria should the department of state use in reviewing citizenship applications?
5. The following question relates to sections 4 and 6 of the proposed initiative:
- a. Section 4 states that "Anyone can enter Colorado... They do not need a visa". Section 6 states that "All goods entering Colorado must be screened by customs agents". How will the state enforce customs screening for goods if there are no border controls for people?
6. The following questions relate to section 5 of the proposed initiative:
- a. What is meant by the parenthetical explaining "border adjustments" in proposed subsection (10) of this section?
 - b. Proposed subsection (11) of this section mandates a "Colorado Takeover" of all U.S. programs funded as of January 19, 2025. Does the state possess the administrative infrastructure to immediately manage federal systems such as air traffic control, nuclear security, or Social Security?
 - c. What is meant by the statement that "[a]nything the United States spent money on...is placed under the control of Colorado" in proposed subsection (11) of this section? How does this work with a federal building or other asset that may exist in Colorado, but may not have received funds on that specific date from the U.S. government?

- d. Proposed subsection (12) of this section authorizes "retaliatory tariffs" if a tariff is "levied against Colorado". Since tariffs are typically levied by nations against nations, how would this provision trigger if a foreign nation levies a tariff against the United States?
7. The following questions relate to section 7 of the proposed initiative:
 - a. This section explicitly recognizes "Somaliland," "Catalonia," and "The Democratic Autonomous Administration of North and Eastern Syria" as independent nations. What are the legal and diplomatic implications of recognizing entities that the United Nations and the United States do not recognize?
 - b. This section lists numerous international organizations Colorado is "requesting membership" in, including the "Australasian Group". Is the intent to join the "Australia Group" (an export control regime)?
 - c. What is the significance of the last sentence of this section?
 8. The following question relates to section 8 of the proposed initiative:
 - a. This section refers to "an act of war, as defined by the United Nations." Which specific U.N. definition or resolution is intended in this case?
 9. The following questions relate to section 9 of the proposed initiative:
 - a. This section requires a special election to be held "60 days after" the General Assembly passes a bill to declare war. If immediate military action is required for defense, does the 60-day delay hinder the state's ability to respond?
 - b. What is the significance of a "declaration of war"?
 10. The following questions relate to section 10 of the proposed initiative:
 - a. Does a year in this section mean a calendar year?
 - b. Does this provision require that someone needs to reside in one of the homes that they own in Colorado for the required 183 days of the year?

- c. Section 10 requires the seizure and sale of homes owned by anyone who has not spent at least 183 days of the last year in Colorado. How would the state track the daily location of every property owner?
 - d. How does this section operate considering comport with the Takings Clause, Amendment 5 of the Bill of Rights of the U.S. constitution and Article II, section 15 of the Colorado Constitution?
 - e. How would the sale of the properties be conducted? What will happen to the revenue generated by the sale?
11. The following questions relate to sections 11 and 15 of the proposed initiative:
- a. What is the intended practical mechanism for the adoption described in section 11? How are Colorado courts and agencies to interpret and enforce this massive new volume of law, particularly when it may conflict with existing state statutes?
 - b. Are these two sections meant to go into effect immediately upon the effective date of the proposed initiative?
 - c. What is meant by “single subject rule” and what is the impact of stating that it does not apply to a bill that repeals adopted federal law? Do the proponents intend the provision would only apply to a bill that includes a repeal of federal law? If so, does that bill not already have a single subject?
 - d. Does this global replacement create unintelligible statutes? If so, how should these statutes be interpreted?
 - e. Does replacing "President" with "Governor" transfer all federal executive powers (e.g., nuclear command, pardon power for federal crimes) to the Governor?
12. What is the intended effect of section 12 of the proposed initiative?
13. What is the intended effect of section 14 of the proposed initiative?
14. Section 19 of the proposed initiative repeals sections 44, 44.1., 44.2, 44.3, 44.5, 44.6, and 45 of article V of the Colorado constitution? Why does the initiative not repeal section 44.4 of article V of the Colorado constitution, which is related to the rest of the repealed sections?

15. What is meant by “schedule” in section 24 of the proposed initiative?
16. The following questions relate to section 53 of the proposed initiative:
- a. What is the effect of declaring a public office “vacant”? What is a “public office”?
 - b. How would a dispute about whether “this initiative” is being enforced be resolved?
 - c. The section grants the Provisional Government the "power to overrule this Constitution". How does that interact with the proposed initiative which itself amends the state constitution?
 - d. What is meant by a “provisional government”, and are there any restrictions on how this government would need to operate?

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 standard drafting practice to end a provision with either a period or a semicolon. A provision should end with a period if it is a complete sentence or includes more than one sentence and is not an introductory portion.
2. The bolded headnotes in the sections being added by the proposed initiative do not need to be written in small capital letters.
3. Subsection letters should not be written in small capital letters, even when being added as new text in the Colorado Constitution. For instance, subsections (10) and (12) of section 5 of the proposed initiative should begin “SUBSECTION (4)(a) OF THIS SECTION...”
4. Some text appears underlined in the initiative, when it appears that the intention is for it to be stricken. For instance, in subsection (7)(a) of section 5 of the proposed initiative, “federal” should be shown in striketype.

5. When using Roman numerals to designate a subsection in the Colorado Constitution, the numerals should be capitalized.
6. When the proponents are amending specific subsections of a provision of the constitution, it is not necessary to show the whole provision of the constitution, you may identify the specific subsections being amended in the amending clause and then just only show those subsections being amended.
7. “Landlords” is misspelled as “Landloards” in section 10 of the proposed initiative.