

PROPOSED CONSTITUTIONAL INITIATIVE 2025-2026 # \_\_\_\_\_

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

SECTION 1. In the Constitution of the State of Colorado, Article II, **add** Section 33 as follows

**Section 33. The Fundamental Right to Know the affairs of Government**

**(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;

(b) THE PEOPLE FIND AND DECLARE THAT THE FUNDAMENTAL RIGHT TO KNOW THE AFFAIRS OF ALL LEVELS OF STATE AND LOCAL GOVERNMENT GUARANTEES THE RIGHT TO ACCESS AND 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;

(c) 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 GUARANTEED BY THE PEOPLE'S FUNDAMENTAL RIGHT TO KNOW THE AFFAIRS OF ALL LEVELS OF STATE AND LOCAL GOVERNMENT;

(d) THE PEOPLE FIND AND DECLARE THAT COLORADO STATE AND LOCAL GOVERNMENTS HAVE 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

(e) 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 DENYING ACCESS OR IMPOSING UNWARRANTED OR UNREASONABLE BURDENS ON SUCH ACCESS FOR PERSONS TO INSPECT AND EXAMINE ANY AND ALL PUBLIC RECORDS.

(f) 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.

**(2) Fundamental Right.** ALL PERSONS SHALL HAVE THE FUNDAMENTAL RIGHT TO KNOW THE AFFAIRS OF ALL LEVELS OF STATE AND LOCAL GOVERNMENT. THE PUBLIC'S FUNDAMENTAL RIGHT TO KNOW THE AFFAIRS OF ALL LEVELS OF STATE AND LOCAL GOVERNMENT GUARANTEES THE RIGHT TO ACCESS AND 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.

**(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. THIS FUNDAMENTAL RIGHT OF THE PUBLIC TO KNOW THE AFFAIRS OF ALL LEVELS OF STATE AND LOCAL GOVERNMENT APPLIES TO ALL PUBLIC AFFAIRS OF GOVERNMENT, AND THEREFORE SHALL NOT APPLY TO AFFAIRS OF GOVERNMENT THAT ARE PRIVATE SUCH THAT THE DEMAND OF INDIVIDUAL PRIVACY OR OTHER HIGHLY COMPELLING STATE INTEREST CLEARLY EXCEEDS THE MERITS OF THE FUNDAMENTAL PUBLIC RIGHT TO KNOW THE AFFAIRS OF GOVERNMENT. ANY GOVERNMENT OFFICE, OFFICIAL, OFFICER, EMPLOYEE, OR PUBLIC BODY, IN ANY BRANCH OF GOVERNMENT, THAT ASSERTS THAT ANY AFFAIRS OF GOVERNMENT ARE NOT PUBLIC BECAUSE THE DEMAND OF INDIVIDUAL PRIVACY OR OTHER HIGHLY COMPELLING STATE INTEREST CLEARLY EXCEEDS THE MERITS OF THE PUBLIC'S FUNDAMENTAL RIGHT TO KNOW THE AFFAIRS OF GOVERNMENT, AND IS THUS EXEMPT FROM THE FUNDAMENTAL RIGHT OF THE PUBLIC TO KNOW THE AFFAIRS OF GOVERNMENT PURSUANT TO THIS SECTION 33, MUST DEMONSTRATE, BY CLEAR AND CONVINCING EVIDENCE, THAT SUCH GOVERNMENTAL AFFAIRS ARE 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 33 ARE HEREBY DECLARED TO BE PREEMPTED BY THIS SECTION 33 AND INAPPLICABLE TO THE MATTERS COVERED BY AND PROVIDED FOR IN THIS SECTION 33.

**(5) Legislation.** THIS SECTION 33 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 33, BUT IN NO WAY SHALL SUCH LEGISLATION LIMIT OR RESTRICT THE PROVISIONS OF THIS SECTION 33 OR THE POWERS HEREIN GRANTED EXCEPT AS SPECIFIED HEREIN AND TO ENACT MEASURES REDUCING THE COSTS OF OBTAINING ACCESS TO EXAMINE AND INSPECT ANY AFFAIRS OF GOVERNMENT.

**(6) Severability.** IF ANY PROVISION OF THIS SECTION 33 OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCES IS HELD INVALID, SUCH INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS SECTION 33 WHICH CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS SECTION 33 ARE DECLARED TO BE SEVERABLE.

**(7) Self-Executing.** THIS SECTION 33 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.

**(8) Sanctions.** ANY STATE OR LOCAL GOVERNMENT THAT KNOWINGLY VIOLATES THIS SECTION 33 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 FUNDAMENTAL RIGHT TO KNOW THE AFFAIRS OF GOVERNMENT, UNLESS EXEMPT PURSUANT TO SUBSECTION (3) OF THIS SECTION 33.

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SECTION 2. **Effective date.** This act shall take effect upon proclamation by the governor pursuant to Sec. 1(4) of Article V of the Colorado Constitution.