

STATE OF COLORADO

Colorado General Assembly

Natalie Castle, Director
Legislative Council Staff

Colorado Legislative Council
200 E. Colfax Ave., Room 011
Denver, Colorado 80203-1716
303-866-3521
lcs.ga@coleg.gov



Ed DeCecco, Director
Office of Legislative Legal Services

Office of Legislative Legal Services
1375 Sherman St., Suite 300
Denver, Colorado 80261
303-866-2045
olls.ga@coleg.gov

MEMORANDUM

To: Suzanne Taheri and Elizabeth Caven

From: Legislative Council Staff and Office of Legislative Legal Services

Date: March 18, 2026

Subject: Proposed Initiative Measures 2025-2026 #276 and #277, 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 #276** and **#277** 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 #276** and **#277**.

Purposes

Purposes for Proposed Initiative 2025-2026 #276

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 written in plain language that does not exceed an eighth-grade reading level.
2. To prohibit the Colorado Revised Statutes from mandating language to precede, follow, or appear within a ballot question for an initiative.

Purposes for Proposed Initiative 2025-2026 #277

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 written in plain language that does not exceed an eighth-grade reading level nor 100 words.
2. To prohibit the Colorado Revised Statutes from mandating language to precede, follow, or appear within a ballot question for an initiative.

Substantive Comments and Questions

The substance of the proposed initiatives raise 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.” Is there a reason for this discrepancy in terms? If not, consider replacing the term “ballot question” for consistency and clarity.
4. The first sentence applies broadly to "ballot questions", while the second sentence specifically restricts statutes from mandating language for "a ballot question for an initiative". What is the proponents' intent regarding this distinction?
5. Do the proponents intend for the requirements of one or both of the sentences in the proposed initiative to refer to legislatively referred measures or to ballot questions that the legislature places on the ballot?
6. Proposed initiatives #276 and #277 state that “[n]o statute may mandate 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?
7. If constitutional language requirements in article X, section 20 of the Colorado Constitution remain in effect, do the words comprising that constitutionally mandated language count against the 100-word limit established in the first sentence of proposed initiative #277?
8. The term “may” is generally construed as permissive, while the term “shall” denotes a requirement. Both proposed initiatives state that “[n]o statute may mandate language... in a ballot question for an initiative.” Were these provisions meant to be permissive or mandatory?
9. What is the standard for determining whether language is at an eighth-grade reading level? Is the standard subject to change? Have the proponents identified any ballot questions that comply with this requirement?
10. 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?

11. If a proposed measure is highly complex and the Title Board determines it is impossible to accurately and clearly describe a proposed measure at an eighth-grade reading level, what is the intended outcome?

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 format the amending clause in proposed initiatives #276 and #277 as, “In the constitution of the state of Colorado, section 1 of article V, **add** (5.6) as follows:”.
2. For clarity, proponents should consider adding “WRITTEN” before “IN PLAIN LANGUAGE” in proposed initiatives #276 and #277.
3. For clarity and to maintain parallel structure, proponents should consider substituting “IN A BALLOT” with “APPEARING WITHIN A BALLOT” in proposed initiatives #276 and #277. Alternatively, for clarity and parallel structure, proponents should consider substituting “PRECEDING, FOLLOWING, OR IN A BALLOT” with “THAT PRECEDES, FOLLOWS, OR APPEARS WITHIN A BALLOT” in proposed initiatives #276 and #277.