

# STATE OF COLORADO

## Colorado General Assembly

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## MEMORANDUM

**To:** Emerson Sturgis and Marilee Sturgis

**From:** Legislative Council Staff and Office of Legislative Legal Services

**Date:** March 31, 2026

**Subject:** Proposed Initiative Measure 2025-2026 #299, Concerning Colorado Militia

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.

This proposed initiative **2025-2026 #299** was submitted by the same designated representatives as a part of a group of related proposed initiatives, including proposed initiatives **2025-2026 #287** through **#301**. The comments and questions raised in this memorandum do not include comments and questions that were addressed in the memoranda for proposed initiatives **2025-2026 #287** through **#301**, except as necessary to fully understand proposed initiative **2025-2026 #299**. Comments and questions

addressed in those memoranda may also be relevant, and those questions and comments are considered part of this memorandum.

## Purposes

The major purpose of the proposed amendment to the Colorado Constitution appears to be to restate that the governor is the commander in chief of the Colorado military forces.

## 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 amending clause in section 1 of the initiative states that it is amending article IV of section 5 of the Colorado Constitution, but the only changes are to add the word "the" before "actual" and to remove the hyphens from "commander-in-chief". Changes to section 5 of article IV should be shown in stricken type and small capital letters in the text of the initiative. Did the proponents intend to make other changes to article IV of section 5 of the Colorado Constitution?

## 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. The correct format for an amending clause that amends a section of the Colorado Constitution is:

**SECTION #.** In the constitution of the state of Colorado,  
**amend** section 5 of article IV as follows:

2. To show removing hyphens from a phrase, the hyphenated phrase should be shown in strike type and the new, unhyphenated, phrase shown in small capital letters as follows:

The governor shall be ~~commander-in-chief~~ COMMANDER IN CHIEF of the military forces of the state, except when they shall be called into the actual service of the United States. He shall have power to call out the militia to execute the laws, suppress insurrection or repel invasion.

3. Standard drafting language for an effective date clause is as follows: "This act takes effect January 14, 2027."