

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 Measures 2025-2026 #290, #296, and #297, concerning replacing the term "United States" in Colorado law

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 #290, #296, and #297** were submitted by the same designated representatives as a part of a group of related proposed initiatives, including proposed initiatives **2025-2026 #287 through #289, #291 through #295, and #298 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 #289, #291 through #295, and #298 through #301**, except as

necessary to fully understand proposed initiatives **2025-2026 #290, #296, and #297**. Comments and questions addressed in those memoranda may also be relevant, and those questions and comments are considered part of this memorandum.

Purposes

Purposes for Proposed Initiative 2025-2026 #290

The major purpose of the proposed amendment to the Colorado Constitution appears to be to replace the term "United States" with "Colorado" in the Colorado Revised Statutes and certain provisions of the Colorado Constitution.

Purposes for Proposed Initiative 2025-2026 #296

The major purpose of the proposed amendment to the Colorado Constitution appears to be to replace the term "United States" with "Colorado" in the Colorado Revised Statutes and certain provisions of the Colorado Constitution.

Purposes for Proposed Initiative 2025-2026 #297

The major purpose of the proposed amendment to the Colorado Constitution appears to be to replace the term "United States of America" with "State of Colorado" in the Colorado Revised Statutes and the uniform taxation exemptions provision of the Colorado Constitution.

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.
 - a. What is the single subject of proposed initiative 2025-2026 #290?
 - b. What is the single subject of proposed initiative 2025-2026 #296?
 - c. What is the single subject of proposed initiative 2025-2026 #297?
2. These initiatives, 2025-2026 #290, #296, and #297, were submitted as a part of a group of related initiatives, including proposed initiatives 2025-2026 #287 through #289, #291 through #295, and #298 through #301. What is your intended effect if

initiative 2025-2026 #290, #296, or #297 is adopted and all or some of the other initiatives in the group are not adopted?

3. The following questions apply to each initiative, 2025-2026 #290, #296, and #297:
 - a. Section 1 of initiatives #290 and #296 declares that "United States" is always replaced with "Colorado" in the Colorado Revised Statutes and section 1 of initiative #297 declares that "United States of America" is always replaced with "State of Colorado". Are there instances in the Colorado Revised Statutes that should not be changed? For example, when a federal department is referred to, such as the reference in section 8-3.8-101 (1)(c), C.R.S., to the "United States department of health and human services"? Because there is not a Colorado department of health and human services, what's your intended meaning if "United States" is changed to "Colorado" in this section of the Colorado Revised Statutes? Similarly, when a change would refer to the Colorado armed forces, to what does that refer?
 - b. Do you intend to change the term in the Colorado Revised Statutes, or merely state that each instance of "United States" means "Colorado"? Article V, section 24 of the Colorado Constitution requires that any law that is amended be re-enacted and published at length. If you intend to change the words in the Colorado Revised Statutes, each change should be shown in the initiative. Alternatively, the initiative could direct the Revisor of Statutes to make the change, which would be done by legislation.
 - c. The language shown as the existing constitutional provisions in the initiatives does not match the existing provisions. If you intend to change that existing language, please show the changes in strike type and small caps. If you do not intend to make changes, please include the correct existing language. For example, the language included in initiative #296 for section 46 of article V is completely different language than what is in the Colorado Constitution. The current Colorado Constitution is available on the General Assembly's website where you can copy and paste the text into your initiatives:

<https://leg.colorado.gov/laws/colorado-constitution>

4. The following questions apply to initiative 2025-2026 #290:

- a. Section 1 of the initiative adds section 23 to article XVIII of the Colorado Constitution. The section numbers in constitutional articles are sequential and the current last section in article XVIII is section 16. Please renumber the added provision in section 1 of the initiative to be section 17 of article XVIII to maintain the sequential section numbering.
 - b. The changes in sections 2 and 3 of the initiative result in references to the Colorado bureau of labor statistics and the Colorado department of veterans affairs. Neither of those entities exist, though Colorado has a department of military and veterans affairs. To what does each entity in the Constitutional provision, as amended by the initiative, refer?
 - c. Section 4 of the initiative changes "United States mails" to "Colorado mails," but Colorado does not have its own mail service. To what entity or service does Colorado mails refer to?
5. The following questions apply to initiative 2025-2026 #296:
- a. Section 1 of the initiative adds section 24 to article XVIII of the Colorado constitution. The section numbers in constitutional articles are sequential and the current last section in article XVIII is section 16. Please renumber the added provision in section 1 of the initiative to be article XVIII, section 17, to maintain the sequential section numbering.
 - b. The change in section 2 of the initiative makes the provision refer to the "armies of Colorado." What entity or organization does this refer to?
 - c. The changes in sections 5 and 6 of the initiative appear to create redundant language by referring to "Colorado" and "the state" as separate entities. Please strike redundant language or conform the change in some other way.
 - d. As used in the changes in sections 7 to 10 of the initiative, what does it mean to be a "citizen of Colorado"?
6. The following questions apply to initiative 2025-2026 #297:
- a. Section 1 of the initiative adds section 22 to article XVIII of the Colorado constitution. The section numbers in constitutional articles are sequential and the current last section in article XVIII is section 16. Please renumber

the added provision in section 1 of the initiative to be article XVIII, section 17, to maintain the sequential section numbering.

- b. In Section 2 of the initiative, if you intend to strike "United States of Amarica" that should be shown in strike type.
- c. In Section 2 of the initiative, article X, section 3, (1)(b) provides for a tax exemption for "Non-producing unpatented mining claims, which are possessory interests in real property by virtue of leases from the United States ..." The initiative changes "United States of Amarica" to "State of Colorado"; however, Colorado does not own the leases referred to in this section.

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 *adds* a section to an article in the Colorado Constitution is:

SECTION 1. In the constitution of the state of Colorado, **add** section 23 to article XVIII as follows:

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

SECTION 1. In the constitution of the state of Colorado, section 20 of article X, **amend** (2)(f) as follows:

3. It is standard drafting practice to show language being removed from the Colorado Constitution or the Colorado Revised Statutes in stricken type, e.g., ~~stricken type~~. And to use small capital letters to show the language being added to the Colorado Constitution, e.g. SMALL CAPITAL LETTERS.
 - a. In sections 2, 3, and 4 of initiative 2025-2026 #290, and in sections 2 through 10 of initiative 2025-2026 #296, the term "United States" appears

to be underlined rather than in stricken type. Please strike "United States" if you intend to remove it from those provisions.

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