

# 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 #295, Concerning the Application of New Federal Laws in Colorado

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 #295** was submitted by the same designated representatives as a part of a group of related proposed initiatives, including proposed initiatives **2025-2026 #287** through **#294** and **#296** 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 **#294** and **#296** through **#301**, except as necessary to fully understand proposed initiative

**2025-2026 #295.** 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 make all United States court rulings, laws, regulations, presidential proclamations, and executive orders issued on or after January 20, 2025, null and void in Colorado.

## **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. Section 1 of the proposed initiative adds section 18 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 proposed initiative to be article XVIII, section 17, to maintain the sequential section numbering.
3. This proposed initiative 2025-2026 #295 was submitted as a part of a group of related proposed initiatives, including proposed initiatives 2025-2026 #287 through #301. What is your intended effect if this proposed initiative 2025-2026 #295 is adopted and all or some of the other proposed initiatives in the group are not adopted?
4. Do you intend that the acts of the United States issued before January 20, 2025, remain in effect and enforceable in Colorado?
5. Does making United States court rulings issued after January 20, 2025, extend to rulings in lawsuits between private parties, so that if a private party in a lawsuit was awarded a judgment by a federal court on or after January 20, 2025, that judgment is no longer enforceable?

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