

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 #288, Concerning Colorado Citizenship

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 #288** was submitted by the same designated representatives as a part of a group of related proposed initiatives, including proposed initiatives **2025-2026 #287** and **#289** 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** and **#289** through **#301**, except as necessary to fully understand proposed initiative **2025-2026 #288**. 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 establish Colorado citizenship standards, including automatic citizenship for some persons.

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. This initiative 2025-2026 #288 was submitted as a part of a group of related initiatives, including proposed initiatives 2025-2026 #287 and #289 through #301. What is your intended effect if this initiative 2025-2026 #288 is adopted and all or some of the other initiatives in the group are not adopted?
3. The initiative creates a new kind of citizenship: Colorado citizenship. How do the proponents intend for this new citizenship to interact with the United States citizenship granted by the Fourteenth Amendment to the U.S. Constitution?
4. What is the significance of being a citizen of Colorado rather than a resident non-citizen of Colorado?
5. The initiative lists five criteria for a person who "**may** become a citizen of Colorado" and then says that a person who meets any of the first three criteria "becomes a citizen automatically and necessarily." "May" is a permissive word; does the use of "may" conflict with the assertion that certain citizenship is automatic?
6. The initiative states that anyone who "has lived in Colorado for the last year" becomes a citizen "automatically and necessarily." Does this confer citizenship upon individuals currently in Colorado on temporary status, such as students or tourists, if they have been present for a year? How is the phrase "the last year" determined?

7. How does the "voluntary forfeiture" of Colorado citizenship interact with the provision that certain individuals become citizens "automatically and necessarily"? Can an automatic Colorado citizen immediately forfeit that status?
8. Does the last sentence of section 1 of the initiative, which states that anyone who has lived in Colorado for the 12 months prior to the initiative becoming effective is "automatically and necessarily" a Colorado citizen, conflict with the statement that a person who "has lived in Colorado for the last year...must apply for citizenship"?
9. Do you intend a difference between "the last year" and "12 months"? If not, please consider using consistent terminology.
10. What criteria should the department of state use in reviewing citizenship applications?
11. The initiative says that a person whose citizenship application is rejected may appeal. Who is the appeal made to?

Technical Comments

The following comments address technical issues raised by the form of the proposed initiative. 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 33 to article II as follows:

2. Constitutional provisions are often divided into subsections, paragraphs, subparagraphs, and sub-subparagraphs for ease of reading. Consider using the standard numbering and lettering format to break the text of the initiative into separate subsections, paragraphs, etc. For example:

(1) ANYONE WHO MEETS AT LEAST ONE OF THE FOLLOWING REQUIREMENTS MAY BECOME A CITIZEN OF COLORADO:

(a) BORN IN COLORADO;

- (b) BORN TO ONE OR MORE PARENTS ...;
- (c) ADOPTED BY ONE OR MORE ...;
- (d) MARRIES SOMEONE WHO IS ...; AND
- (e) HAS LIVED IN COLORADO

(2) IN THE FIRST THREE CASES, THE PERSON BECOMES ...

3. The first letter of the first word of each provision that follows a colon should be capitalized. For example:

(1) ANYONE [. . .] MAY BECOME A CITIZEN OF COLORADO:

(a) BORN IN COLORADO;

4. An introductory portion is a sentence fragment that leads into a list to form a complete sentence. In the proposed initiative, the introductory portion is "ANYONE WHO MEETS AT LEAST ONE OF THE FOLLOWING REQUIREMENTS MAY BECOME A CITIZEN OF COLORADO:" but the paragraphs that follow the introductory portion do not form complete sentences when read with the introductory portion, nor are they complete sentences on their own. Adding the words "THE PERSON" at the beginning of each paragraph would help make the paragraphs complete sentences. For example:

1. *THE PERSON WAS* BORN IN COLORADO;

5. It is standard drafting practice for the second to last item in a numbered or lettered list to end in a conjunction that connects the items, either "and" or "or". For example, "THE PERSON MARRIES SOMEONE WHO LIVES IN COLORADO; OR". A provision should end with a semicolon if it follows an introductory portion and is not a complete sentence, but the end of a list following an introductory portion should end with a period. For example, "THE PERSON HAS LIVED IN COLORADO FOR THE LAST YEAR."
6. Standard drafting language for an effective date clause is as follows: "This act takes effect January 14, 2027."