

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: 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 #289, concerning immigration to 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 #289** 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 #289**. 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 purposes of the proposed amendment to the Colorado Constitution appear to be:

1. To mandate an open immigration policy allowing anyone to enter and stay in Colorado without a visa;
2. Prohibiting denial of employment based on citizenship or visa status; and
3. Prohibiting discrimination based on citizenship or visa status.

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. What do the following terms mean and would the proponents consider defining them?
 - a. Visa;
 - b. Citizenship; and
 - c. Visa status
3. The initiative declares that anyone “can enter Colorado and stay in Colorado as long as they want to” and that they “do not need a visa to do so.” How do the proponents reconcile this with federal immigration law and Article VI, clause 2 of the United States Constitution (the Supremacy Clause)?
4. Have you considered any fiscal or other impacts that may result from the enactment of the proposed initiative on the state?

5. This initiative was submitted as a part of a group of related initiatives, including proposed initiatives 2025-2026 #287 through #301. What is your intended effect if this initiative 2025-2026 #289 is adopted and all or some of the other initiatives in the group are not adopted?

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 34 to article II as follows:
2. Standard drafting language for an effective date clause is as follows: "This act takes effect January 14, 2027."