

# STATE OF COLORADO

## Colorado General Assembly

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## MEMORANDUM

**To:** Joshua Walen and Patricia Ficter

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

**Date:** April 17, 2026

**Subject:** Proposed Initiative Measure 2027-2028 #5, concerning Ranked Voting in Elections

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.

## Purposes

The major purposes of the proposed amendments to the Colorado Constitution and to the Colorado Revised Statutes appear to be:

1. To require elections for statewide offices to be conducted using a ranked voting method;
2. To allow the university of Colorado board of regents, statutory counties, and school boards to adopt a ranked voting method;
3. To change nominations for candidates for United States senator, representative in congress, governor, lieutenant governor, secretary of state, state treasurer, attorney general, member of the state board of education, regent of the university of Colorado, member of the general assembly, district attorney, and county officer so that nominations can only be made by assembly, convention, or petition for nomination and can no longer be made by primary election;
4. To allow for up to three candidate nominations for each major political party for single-member districts for elections for statewide office, and only one nomination for each minor political party for single-member districts for elections for statewide office;
5. To allow for up to four candidate nominations for each major political party for multi-member districts for elections for statewide office, and up to two nominations for each minor political party for multi-member districts for elections for statewide office; and
6. To allow, if the university of Colorado board of regents, a statutory county, or a school board has adopted proportional representation, for up to four candidate nominations for each major political party for multi-member districts for elections for members of the adopting entity, and up to two nominations for each minor political party for multi-member districts for elections for members of the adopting entity.

## 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. Article V, section 1 (4)(a) of the Colorado Constitution requires that when the majority of voters approve an initiative, the initiative is effective on and after the date of the official declaration of the vote and proclamation of the governor.

Because the proposed initiative does not contain an effective date, this would be the default effective date. Does this default effective date satisfy your intent? If not, you should include the desired effective date that is not earlier than the default effective date to comply with this constitutional requirement.

3. The amending clause for section 1 of the proposed initiative proposes to “amend section 45 of article V” of the Colorado Constitution, but the section headnote reads “Section X. RANKED VOTING METHOD”, and none of the text from current section 45 of article V of the Colorado Constitution appears in strike type. Did you intend to amend section 45 of article V of the Colorado Constitution, or to add a new section to the Colorado Constitution? If you were intending to add a new section, consider changing the amending clause for section 1.
4. What is the first election to which the proposed initiative is meant to apply?
5. The following comments and questions relate to section 1 of the proposed initiative:
  - a. Subsection (1) references “Rule 26” but is not specific as to what this means. Did you intend to refer to Rule 26 of 8 CCR 1505-1, Election Rules as established by the Colorado Secretary of State? Consider specifying the rule to which you are referring.
  - b. Subsection (1) provides that “The constitution incorporates those rules.” To which rules does this sentence refer? Are you referring to certain rules that are already incorporated elsewhere in the constitution, or are you intending to incorporate certain rules with the inclusion of that sentence?

- c. Rules can be easily changed or amended, but changing the Colorado constitution requires voter approval. Is it your intent that as these rules change, the requirements of the Colorado constitution would also change without a vote due to the rules being incorporated by reference into the Colorado constitution?
  - d. Subsection (2) provides that “the university of Colorado board of regents, statutory counties, and school boards shall have the option to adopt ranked voting method”. For which positions or offices did you intend for these entities to adopt ranked voting?
  - e. Subsection (2) references a majority vote of “those bodies” but the proposed initiative does not refer to a body in connection with statutory counties. Would the board of county commissioners of a statutory county have the authority to adopt a ranked voting method for the statutory county? If not, which “body” would have that authority?
6. The following comments and questions relate to section 2 of the proposed initiative:
- a. The amendment to subsection (1) of section 1-4-502 of the Colorado Revised Statutes adds the phrase “for state senate and state house of representative districts” after the phrase “member of the general assembly.” Given that “member of the general assembly” directly applies to a member of the state senate or a member of the state house of representatives, what is the purpose of adding that language?
  - b. In current law, subsection (1) of section 1-4-502 of the Colorado Revised Statutes contains text that does not show up in the proposed initiative. Did you intend to repeal that text? If so, amend the proposed initiative so that the text appears in strike type.
  - c. The proposed initiative refers to “single member districts” and “multi member districts”. What do these terms mean and to what types of districts are the terms referring?
  - d. How will the number of candidate nominations proposed in subsection (1.5) fit within the new process of voting that the initiative proposes?

- e. What does the term “proportional representation” in subsection (1.6) mean?

## **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 terms “single-member district” and “multi-member district” should be hyphenated.
2. Subsection (2) of section 1 of the proposed initiative refers to the university of Colorado “board or regents” rather than the “board of regents”.
3. The proposed initiative moves directly from section 1 to section 6, without sections 2-5.
4. In the amending clause for section 6 of the proposed initiative, “and” does not need to be written in capital letters.
5. It is standard drafting practice to show language being removed from the Colorado constitution in stricken type, e.g., ~~stricken type~~.
6. It is standard drafting practice to use small capital letters to show the language being added. To find small capital letters in Microsoft Word, go to the Home tab, click the arrow in the bottom right corner of the Font group, and in the Font dialog box, check the Small Caps checkbox under Effects.
7. Section numbers in a headnote are referred to in digits, not roman numerals. For example, "section 10 of article X."
8. Every sentence should begin with a capital letter.