

Legislative council

To:

From:

CC:

Date: February 3, 2023

Re: Revised Initiative Banning ESG

Purpose

Citizens' initiative 2023-24 #7

Article V, section 1 (5) of the Colorado constitution and section 1-40-102 of the Colorado Revised Statutes require the proponents to submit for review and comment on the full text of the measure being proposed, which if passed becomes the actual language of the Constitution or statutes.

Under Article V, section 1 (2) of the Constitution proposed initiatives to amend either the Colorado Constitution or State law (i.e., the Colorado Revised Statutes). This a proposed initiative intended to amend the Colorado constitution.

The Colorado Article V, section 1 (8) of the Colorado Constitution requires that the following enacted clause be the style for all laws adopted by the initiative:

ESG is Prohibited.

Concerning ESG scoring and reporting

Citizens' initiative: 2023

SUBJECT: ESG

SUMMARY

Banning ESGs would help relieve the economic burden placed by an arbitrary scoring system. ESG is the Environmental Social Governance metric in use in China and being implemented worldwide through our banking system on businesses to make them comply with some arbitrary standard. This is fascism. ESGs would deprive Americans of their right to pursue their happiness and be free from government imposition.

This section takes effect November 15, 2023, or as stated. Be it enacted by the People of the State of Colorado, amends [Colo. Const. Art. XI, Section 8](#) This section takes effect November 15, 2023, or as stated. Be it enacted by the People of the State of Colorado, amends [Colo. Const. Art. XI, Section 8](#).

Article XI, Section 8. No Arbitrary Credit

Scoring. Environmental Social Governance Scoring System (ESG), Prohibited.

- (1) **ESG Defined.** ESG is better known as Measuring Stakeholder Capitalism. The people of the state of Colorado hereby find that Environmental, Social, Governance (aka ESG) is an umbrella term for a broad range of environmental, social and governance metric scoring systems designed and developed to allow the government to force investors to assess (arbitrarily and comprehensively), report, and score individuals and business entities based on their behaviors and evaluate the future financial performance of companies, (and individuals) in particular with, and manage their risks and compliance with ESG. ESG would be an ex post facto law impairing the obligation of contracts and be retrospective in its operation.
- (2) The people hereby find E.S.G. unconstitutional and impose a ban on allowing it to further penetrate Colorado society.
- (3) **Term Definition.** ESG is a metric scoring system designed and developed to arbitrarily and comprehensively report and score individuals and corporations on their compliance with Environmental, Social, Governance. This scoring system helps audit and determine if a company or an individual is in line with the demands of the government. The ESG standard is divided into 4 pillars known as principles of governance, planet, people, and prosperity.

- (4) The standard is used to advances the following social justice and climate causes primarily, rather than corruption:
- a) This scoring system helps audit and determine if a company is in line with the demands of a foreign entity.
 - b) The ESG standard is divided into 4 pillars: principles of governance, planet, people, and prosperity.
 - c) The standard is used to advance social justice causes, primarily, rather than corruption.
- (5) Definitions. For the purposes this section: (a) “Foreign entity” means United States government, United Nations General Assembly of world governments, World Economic Forum, World Health Organization, or any domestic or foreign jurisdiction that is not within Colorado jurisdiction. (b) The terms corporate responsibility (CR), corporate social responsibility (CSR), equity and inclusion, stakeholders, and sustainability are also sometimes used to refer to a broad range of environmental and social responsibility behavior demonstrated by businesses. (c) ESG factors have to do with the following areas:
- i. Environmental: Climate change and the green new deal
 - ii. Social: Critical racism, social emotional learning, equity, and inclusion
 - iii. Governance: Stakeholder capitalism, collectivism, community
- (6) **State Mandate.** Banning ESG effectively after the November 2024 election to ensure that good Colorado businesses stay in business and don’t get pushed into adopting ESG scoring standards. Any business or individual infringed upon by equity and inclusion legislation can seek redress in court.