

# STATE OF COLORADO

## Colorado General Assembly

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## MEMORANDUM

**TO:** Keegan Pasqualoni and Cara Harben  
**FROM:** Legislative Council Staff and Office of Legislative Legal Services  
**DATE:** July 18, 2023  
**SUBJECT:** Proposed initiative measure 2023-2024 #73, concerning marriage between two consenting adults

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Colorado Legislative Council 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 to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the directors of Legislative Council and the Office of Legislative Legal Services is to provide comments intended to aid proponents in determining the language of their proposal and to avail the public of knowledge of the contents of the proposal. Our first objective is to be sure we understand your intent and your objective in proposing the amendment. We hope that the statements and questions contained in this memorandum will provide a basis for discussion and understanding of the proposal.

### Purposes

The major purpose of the proposed amendment to the Colorado constitution appears to be:

1. To change what constitutes a valid or legally recognized marriage from a union between a man and a woman to a union between two consenting adults.

## Substantive Comments and Questions

The substance of the proposed initiative raises the following comments and questions:

1. What will be the effective date of the proposed initiative?
2. What is the single subject of the proposed initiative?
3. Section 1 of the proposed initiative amends what constitutes a valid and recognized marriage in Colorado to a union between two consenting adults. In Colorado, minors sixteen years of age or older but under eighteen years of age may marry with judicial approval. Should this category of individuals be included in the proposed initiative?

## 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 proponents 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 suggested below.

1. Each constitutional section being amended, repealed, or added is preceded by a separate amending clause explaining how the law is being changed. For example, the amending clause in the proposed initiative should be changed from:

"In the constitution of the State of Colorado, Article II, amend Section 31 as follows:" to "In the constitution of the state of Colorado, **amend** section 31 of article II as follows:".

2. Before the amending clause, number each section, part, etc. that is being amended, repealed, or added with a section number (e.g., **SECTION 1.**, **SECTION 2.**). "Section" should be in bold and uppercased. For example:

**"SECTION 1.** In the constitution of the state of Colorado, **amend** section 31 of article II as follows:"

3. Although the proposed new constitutional language should be in SMALL CAPITAL LETTERS, use an uppercase letter to indicate capitalization where appropriate. The first letter of the first word of each sentence should be large-capitalized.