

# STATE OF COLORADO

## Colorado General Assembly

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## MEMORANDUM

TO: Nathan Clay and Mark Tejada

FROM: Legislative Council Staff and Office of Legislative Legal Services

DATE: April 19, 2019

SUBJECT: Proposed initiative measure 2019-2020 #81, concerning Democracy Day

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.

An earlier version of this proposed initiative, proposed initiative 2019-2020 #59, was the subject of a memorandum dated March 19, 2019. Proposed initiative 2019-2020 #59 was discussed at a public meeting on April 2, 2019. The substantive and technical comments and questions raised in this memorandum will not include comments and questions that were addressed at the earlier meeting, except as necessary to fully understand the issues raised by the revised proposed initiative. However, the prior comments and questions that are not restated here continue to be relevant and are hereby incorporated by reference in this memorandum.

## **Purposes**

The major purpose of the proposed amendment to the Colorado Revised Statutes appear to be:

1. To add the Tuesday following the first Monday in November of each even-numbered year to the list of legal state holidays to be called Democracy Day.

## **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. No other legal holidays are created or described in a separate section in article 11 of title 24, C.R.S. What is the proponents' intent in establishing Democracy Day in both section 24-11-101 (1), C.R.S., concerning legal holidays, and in proposed section 24-11-114, concerning Democracy Day? Would the proponents consider adding a new subsection to section 24-11-10, C.R.S., to include specific information related to Democracy Day, rather than creating a new section in article 11 of title 24, C.R.S.?
3. In proposed section 24-11-114 (3), at whose discretion would the public buildings continue to be used as voter service and polling centers? The use of "their" in this provision is ambiguous.
4. Under section 1-40-105.5, C.R.S., the Director of Research of the Legislative Council is required to prepare an initial fiscal impact statement, which includes an abstract that appears on petition sections, for each initiative that is submitted to the Title Board. In preparing the statement, the director is required to consider any fiscal impact estimate prepared by the proponents.
  - a. Will you submit the initiative to the Title Board? If so, when do you intend to do so?
  - b. Are you submitting a fiscal impact estimate today? If not, do you plan to submit an estimate in the future, and if so, when do you intend to do so?
  - c. To ensure that there is time for consideration, you are strongly encouraged to submit your estimate, if any, at least 12 days before the measure is scheduled for a Title Board hearing. The estimate should be

submitted to the legislative council staff at  
[BallotImpactEstimates.ga@state.co.us](mailto:BallotImpactEstimates.ga@state.co.us).

## 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. It is not necessary to include the article number in any of the proposed bill sections following the amending clause.
2. Standard drafting practice for the amending clause in section 3 of the initiative is as follows: "In Colorado Revised Statutes, **add** 24-11-114 as follows:"
3. Proposed section 24-11-114 (2) is not a complete sentence.