



Colorado Law Summary: The Role of Legislative Staff in the Initiative Process¹

1. The proponents of an initiative petition submit the measure to legislative staff to begin the initiative process.

The proponents of an initiative who petition to place a measure on the statewide ballot are required to submit a draft of the measure to the directors of the Legislative Council Staff and the Office of Legislative Legal Services for review and comment. The draft must be typewritten and should use plain, nontechnical language that is understandable to the average reader. The proponents should send the draft by mail or electronic mail, or deliver it in person, to Legislative Council Staff.

At the time of submission, the proponents must identify the names and addresses of two people who are the designated representatives of the proponents. These individuals represent the proponents in matters related to the initiative at review and comment and Title Board meetings and receive notices concerning the initiative.

2. Legislative staff conduct a review and comment meeting about the measure with the designated representatives.

Staff from the two offices prepare a "review and comment" memorandum and conduct a public meeting two weeks after submission of the measure. In the memorandum and at the meeting, staff ask the designated representatives questions and make comments that are designed to clarify the language of the proposal and ensure that the language reflects the designated representatives' intent.

¹ This summary contains information commonly requested from the [Office of Legislative Legal Services](#). It does not represent an official legal opinion of the General Assembly or the state of Colorado and does not bind the members of the General Assembly. It is intended to provide a general overview of Colorado law as of the date of its preparation. Any person needing legal advice should consult the person's own lawyer and should not rely on the information in this memorandum.

Colorado Law Summary:
The Role of Legislative Staff in the Initiative Process

Both designated representatives are required to attend the review and comment meeting. If either or both of the designated representatives fail to attend the meeting, the measure is considered withdrawn by the designated representatives. However, if one of the designated representatives attends the meeting, the measure is deemed to be automatically resubmitted for review and comment, unless the attending designated representative objects to the resubmission, and the review and comment meeting must be held no later than five business days after the resubmission. Discussion between designated representatives or their legal representatives and Legislative Council Staff and Office of Legislative Legal Services staff is encouraged during review and comment hearings, but public testimony by any other person is not permitted. The proponents of the measure may, but are not required to, amend the measure in response to the comments. If the proponents make substantial amendments to the measure that are not in direct response to the comments, they are required to resubmit the measure to the directors. If staff has additional comments on the resubmitted proposal, there will be another review and comment memorandum and meeting, which will be held two weeks after the resubmission. If staff does not have additional comments, the proponents are notified that there are no further comments and that a public meeting is not required.

3. Staff from the Office of Legislative Legal Services are on the Title Board, which sets the initiative's ballot title.

The proponents of a measure may submit the measure to the Secretary of State for consideration by the Title Board if they have no changes to it, if they make changes in response to the comments, or if they are notified that a review and comment meeting on a resubmitted measure is not required. The Title Board sets an initiative's ballot title, which is the question that appears on the ballot. The Title Board is composed of the Secretary of State, the Attorney General, and the Director of the Office of Legislative Legal Services, or their designees, and it meets on the first and third Wednesdays of certain months to consider all measures that have been filed at least twelve days before each meeting. The Title Board's first meeting is held no sooner than December after a general election, and the last meeting is held no later than April of each general election year.

Prior to the hearing, staff from the Office of Legislative Legal Services prepares a ballot title draft, which the Title Board usually uses as the starting point for its ballot title discussion.

At the hearing, the Title Board first determines if it has jurisdiction to set a ballot title for a measure. The Title Board's jurisdiction determination requires considering

Colorado Law Summary:
The Role of Legislative Staff in the Initiative Process

two different questions. First, did the proponents make a substantial change to the measure after the review and comment hearing and before filing the measure with the Secretary of State's office? If the answer is yes, and if the change is not in direct response to an issue addressed during the review and comment hearing, the Title Board will not have jurisdiction to set a title. If the proponents did not make a substantial change or if they made a substantial change in response to an issue discussed during the review and comment hearing, the Title Board will proceed to the second jurisdictional question: Does the measure contain more than one subject? If the Title Board determines that the measure contains multiple subjects, the Title Board cannot set a ballot title. If the Title Board finds that the measure contains a single subject, the Title Board sets a ballot title for the proposal.

4. Legislative Council Staff prepares a fiscal summary.

Legislative Council Staff is required to prepare a fiscal summary for each initiative that is properly submitted to the Title Board, and the fiscal summary must be included in a petition section that is circulated for signatures if the proponents of the measure continue to that step.

For a detailed explanation of the initiative process, see [section 1 of article V](#) of the Colorado Constitution and [article 40 of title 1](#), C.R.S.

--

LAST REVIEWED: October 29, 2024