STATE OF COLORADO

Colorado General Assembly

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MEMORANDUM

To: Angela Eicher and Faye Barnhart

From: Legislative Council Staff and Office of Legislative Legal Services

Date: March 24, 2026

Subject: Proposed Initiative Measure 2025-2026 #284, Concerning a Prohibition on the Use of Public Funds for Abortion Services

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.

This proposed initiative 2025-2026 #284 was submitted by the same designated representatives as a part of a group of related proposed initiatives, including proposed initiatives 2025-2026 #283 and #285. The comments and questions raised in this memorandum do not include comments and questions that are addressed in the memoranda for proposed initiatives 2025-2026 #283 and #285 except as necessary to fully understand proposed initiative 2025-2026 #284. Comments and questions

addressed in those memoranda may also be relevant, and those questions and comments are considered part of this memorandum.

Purpose

The major purpose of the proposed amendment to the Colorado Constitution appears to be to prohibit the use of public funds for abortion services.

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 proposed initiative #284?

2. What constitutes a "preborn child"?

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 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. Each constitutional section being amended, repealed, or added is preceded by a separate clause, referred to as the "amending clause," that explains how the law is being changed. Amending clauses are written in lowercase type and follow a specific format. For example, the amending clause for section 1 of the proposed initiative should read:

   SECTION 1. In the constitution of the state of Colorado, **add** section 51 to article V as follows:

2. It is standard drafting practice to use SMALL CAPITAL LETTERS

   to show the language being added to the constitution. The headnote should remain in bold lowercase letters. 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.