

# 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 #283, Concerning Repealing the Constitutional Right to Abortion

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 #283 was submitted by the same designated representatives as a part of a group of related proposed initiatives, including proposed initiatives 2025-2026 #284 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 #284 and #285 except as necessary to fully understand proposed initiative 2025-2026 #283. Comments and questions

addressed in those memoranda may also be relevant here, 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 repeal the constitutional right to abortion.

## 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 #283?
2. How does the repeal of section 32 of article II of the Colorado Constitution work with section 25-6-403 (2), C.R.S., which grants a pregnant woman the fundamental right to decide whether to continue a pregnancy and give birth or have an abortion?

## 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 proposed initiative must begin with an enacting clause shown in lowercasetype and italicized. For example: *Be it enacted by the People of the State of Colorado:*
2. The amending clause for section 1 should say "In the constitution of the state of Colorado, **repeal** section 32 of article II as follows:"
3. Every section of the Colorado Constitution contains a headnote. Headnotes briefly describe the content of the section. The headnote should be included in the text of the proposed initiative. For example:

**Section 32. Abortion.** ~~The right to abortion is hereby recognized. Government shall not deny, impede, or discriminate against the exercise of that right, including prohibiting health insurance coverage for abortion.~~

4. Standard drafting language for an effective date clause is as follows: "This act takes effect [Month Day, Year]."