

STATE OF COLORADO

Colorado General Assembly

Mike Mauer, Director
Legislative Council Staff

Colorado Legislative Council
029 State Capitol Building
Denver, Colorado 80203-1784
Telephone (303) 866-3521
Facsimile (303) 866-3855
TDD (303) 866-3472
E-Mail: lcs.ga@state.co.us



Dan L. Cartin, Director
Office of Legislative Legal Services

Office Of Legislative Legal Services
091 State Capitol Building
Denver, Colorado 80203-1782
Telephone (303) 866-2045
Facsimile (303) 866-4157
E-Mail: olls.ga@state.co.us

MEMORANDUM

April 4, 2012

TO: Elena Nunez and Danny Katz

FROM: Legislative Council Staff and Office of Legislative Legal Services

SUBJECT: Proposed initiative measure 2011-2012 #83, concerning the Colorado congressional delegation to support campaign finance limits

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 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.

This initiative was submitted with proposed initiatives 2011-2012 #81 and #82. The comments and questions raised in this memorandum will not include comments and questions that were addressed in the memorandum for proposed initiative 2011-2012 #81, except as necessary to fully understand the issues raised by the revised proposed initiative. Comments and questions addressed in the other memorandum may also be relevant, and those questions and comments are hereby incorporated by reference in this memorandum. Only new comments and questions specifically addressed to the provisions of proposed initiative 2011-2012 #83 are included in this memorandum.

Purposes

The major purposes of the proposed amendment to the Colorado constitution and the Colorado Revised Statutes appear to be:

1. To specify that the United States constitution, the bill of rights, and the Colorado constitution are intended to protect the rights of "real people" and specify that money is property;
2. To state the need for an amendment to the United States constitution that states that a corporation has only the privileges granted to it by their charters, state and federal laws, and the corporation's shareholders or members.
3. To instruct Colorado's congressional delegation to propose and support, using all procedural methods available, a joint resolution to amend the United States constitution, as follows:
 - a. Overturn all portions of the United States Supreme Court ruling in *Citizens United v. Federal Election Commission* that conflict with specified provisions;
 - b. Establish that corporations are not people with constitutional rights;
 - c. Establish the right of a political body at any level of government to impose prohibitions on campaign contributions or expenditures by corporations in specified situations.

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. The proposed initiative amends article XXVIII of the Colorado constitution, not article XVIII.
2. It is standard drafting practice to insert a left tab at the beginning of the first line of each new section, subsection, paragraph, or subparagraph, including amending clauses and section headings. It is also standard practice to bold the section number and headnote.
3. Standard format for amending clauses is as follows:

Amending the constitution: "In the constitution of the state of Colorado, **amend** section 1 of article XXVIII as follows:"

Amending statute: "In Colorado Revised Statutes, **amend** 1-45-102 as follows:" and "In Colorado Revised Statutes, 1-45-103.7, **add** (9) as follows:"

4. Note that although the text of the proposed initiative should be in small capital letters, a large capital letter should be used to indicate capitalization where appropriate:
 - a. The first letter of the first word of each sentence;
 - b. The first letter of the first word of each entry of an enumeration paragraphed after a colon; and
 - c. The first letter of proper names. For example: January, United States.
5. Each section in the Colorado Revised Statutes and Colorado constitution has a headnote. A headnote should be added to the section 1-45-103.7 in the proposed initiative.
6. The names of court cases should be initial-capped and appear in *italics*.

Substantive Comments and Questions

The substantive comments and questions set forth in the review and comment memorandum on proposed initiative 2011-2012 #81 are applicable to proposed initiative 2011-2012 #83 and, as such, will not be repeated.