

STATE OF COLORADO

Colorado General Assembly

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MEMORANDUM

TO: Carl E. Reichley II and Rachelle L. Reichley
FROM: Legislative Council Staff and Office of Legislative Legal Services
DATE: March 6, 2018
SUBJECT: Proposed initiative measure 2017-2018 #151, concerning lowering the voting age requirement to sixteen years of age for local and statewide elections

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.

Purposes

The major purposes of the proposed amendment appears to be:

1. To lower Colorado's voting age requirement from eighteen years of age to sixteen years of age for local and statewide elections.

Substantive Comments and Questions

The substance of the proposed initiative raises the following comments and questions:

1. Article V, section 1 (5) of the Colorado constitution and section 1-40-102 (4), Colorado Revised Statutes, require a proponent to submit for review and comment the full text of the measure being proposed, which, if passed, becomes the actual language of the constitution or statute. You have submitted an idea, rather than the actual language that would be added to or amended in the Colorado constitution or Colorado Revised Statutes. Please amend your proposal to include the actual text of your proposed constitutional or statutory changes.
2. Under article V, section 1 (2) of the Colorado constitution, proposed initiatives amend either the Colorado constitution or state law (i.e., the Colorado Revised Statutes). Section 1 of article VII of the Colorado constitution states that "[e]very citizen of the United States who has attained the age of eighteen years" and who has met requirements for residency and registration is qualified to vote. Does the proposed initiative intend to amend this section of the Colorado constitution? Are there other provisions that the initiative intends to amend? Does the initiative propose to add any new sections to the Colorado constitution?
3. In accordance with section 1-40-102 (4), Colorado Revised Statutes, and for publication purposes, an amending clause should be used to show where in the Colorado constitution or Colorado Revised Statutes a proposed initiative's provisions should be inserted. Where will the proposed initiative be placed? Please indicate through an amending clause, as described in the Technical Comments, where the proposed initiative will be placed.
4. Article V, section 1 (8) of the Colorado constitution requires that the following enacting clause be the style for all laws adopted by the initiative: "Be it Enacted by the People of the State of Colorado:". To comply with this constitutional requirement, this phrase should be added to the beginning of the proposed initiative.
5. 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?
6. What will be the effective date of the proposed initiative?

7. Have the proponents considered any fiscal or other impacts that may result from the enactment of the proposed initiative on the state and local governments?
8. Article XXVI of the U.S. constitution states that citizens of the United States who are 18 years of age or older have the right to vote. While we understand the proposed initiative would only apply to local and statewide elections, have the proponents considered:
 - a. How the different voting age requirements would be implemented in elections with both federal and state races or questions on the ballot?
 - b. Whether the initiative will be in violation of or conflict with the United States Constitution?
9. The materials submitted include a table of information on employment laws related to age. Is it correct that this information was submitted only for informational purposes, and the proposed initiative is limited to lowering the voting age for statewide and local elections?
10. Under section 1-40-105.5, Colorado Revised Statutes, 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.

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. Before the amending clause, number each section, part, etc. that is being amended or added with a section number (e.g., SECTION 1., SECTION 2.). For example:

SECTION 1. In the constitution of the state of Colorado, **add** article XX as follows:

SECTION 1. In Colorado Revised Statutes, **add** article XX to title 39 as follows:

2. Each constitutional and statutory section being amended, repealed, or added is preceded by a separate amending clause explaining how the law is being changed. For example: "In the constitution of the state of Colorado, **amend** section __ of article __ as follows:".

Or, for example, if you intend to add a new article to title 39 of the Colorado Revised Statutes, you would include the following amending clause: "In Colorado Revised Statutes, **add** article __ to title 39 as follows:".

3. Each section in the Colorado Revised Statutes and the Colorado constitution has a headnote. Headnotes briefly describe the content of the section and are in bold-face type. For example:

39-2-101. Division created – property tax administrator. There is hereby created...

4. If the initiative proposes an amendment to the Colorado Revised Statutes, please note that the Colorado Revised Statutes are divided into sections, and each section may contain subsections, paragraphs, subparagraphs, and sub-subparagraphs as follows:

X-X-XXXX. Headnote. (1) Subsection.

(a) Paragraph

(I) Subparagraph

(A) Sub-subparagraph

(B) Sub-subparagraph

(II) Subparagraph

- (b) Paragraph
 - (2) Subsection
 - (3) Subsection
5. It is standard drafting practice when referencing statutory sections to include the word "section" before the number. For example, "section 24-35-204.5."
 6. If you are amending existing text in the Colorado constitution or the Colorado Revised Statutes, it is standard drafting practice to include the existing text and to use SMALL CAPITAL LETTERS (rather than ALL CAPS) to show the language being added to and stricken type, which appears as ~~stricken type~~, to show language being removed from the Colorado constitution or the Colorado Revised Statutes.
 7. If you intend to amend the Colorado Revised Statutes, the word "shall" is defined in section 2-4-401 (13.7), Colorado Revised Statutes, and it means "that a person has a duty." The related word "must," which is defined in section 2-4-401 (6.5), Colorado Revised Statutes, "means that a person or thing is required to meet a condition for a consequence to apply," but does not mean that a person has a duty.