

**Referendum K
Immigration Lawsuit Against Federal Government**

1 **Referendum K proposes a change to the Colorado statutes that:**

- 2 ◆ requires the state of Colorado to sue the federal government to demand
3 enforcement of existing federal immigration laws.

4 **Summary and Analysis**

5 Federal immigration law determines which foreign-born individuals may enter the
6 country, establishes procedures to become a U.S. citizen, and specifies how these laws are
7 enforced. The federal government and some states, including Colorado, have laws
8 prohibiting the expenditure of tax dollars to provide certain government services to illegal
9 immigrants.

10 Referendum K directs the Colorado attorney general to initiate, or join other states
11 in, a lawsuit against the U.S. attorney general to demand that the federal government
12 enforce existing federal immigration laws. These attorneys general are the main legal
13 advisors and law enforcement officers of the state of Colorado and the United States,
14 respectively.

15 Several states have unsuccessfully sued the federal government to demand
16 enforcement of immigration laws and to recover costs related to the education,
17 incarceration, and health care of illegal immigrants, arguing that the costs result from the
18 federal government's failure to enforce its laws. The Colorado legislature recently passed
19 two laws that direct the state attorney general to take all available steps to make the federal
20 government pay state costs related to illegal immigration. These steps could include suing
21 the federal government.

22 **Argument For**

23 1) A lawsuit makes it explicitly clear that states want the federal government to
24 take action to enforce federal immigration laws. An independent research group estimates
25 that last year Colorado spent \$225 million on K-12 education, emergency medical care, and
26 incarceration of illegal immigrants. Illegal immigrants also benefit from other state
27 services provided to all residents of the state regardless of immigration status, such as
28 public health assistance and child welfare services. The lawsuit required by Referendum K
29 is an important step in reducing costs incurred by the state in dealing with illegal
30 immigrants.

1 **Argument Against**

2 1) Requiring the state attorney general to sue the federal government for
3 enforcement of immigration laws could waste state tax dollars and the attorney general's
4 time. The federal government has exclusive authority to make and enforce federal
5 immigration laws, and other states' attempts to obtain reimbursement for costs related to
6 illegal immigration indicate that Colorado's effort will likely fail.

7 **Estimate of Fiscal Impact**

8 Referendum K is expected to cost the state \$190,000 annually until the lawsuit is
9 resolved. The state attorney general's office will require two new attorneys plus support
10 staff for time and work associated with the lawsuit.

3rd Draft Mailed to Interested Parties

Referendum K - Immigration Lawsuit Against Federal Government

1 Referendum K is a proposed amendment to the Colorado statutes that:

- 2 ♦ requires the state of Colorado to sue the federal government to demand
3 enforcement of existing federal immigration laws.

4 **Summary and Analysis**

5 Federal immigration laws determine which foreign-born individuals may enter the
6 country, establish procedures to become a U.S. citizen, and specify how these laws are to
7 be enforced. The federal government and some states, including Colorado, have laws
8 prohibiting the expenditure of tax dollars to provide certain government services to illegal
9 immigrants.

10 Referendum K directs the Colorado attorney general to initiate, or join other states
11 in, a lawsuit against the U.S. attorney general to demand that the federal government
12 enforce existing federal immigration laws. These attorneys general are the main legal
13 advisors and law enforcement officers of the state of Colorado and the United States,
14 respectively.

15 No other state has filed a lawsuit solely to demand that the federal government
16 enforce immigration laws, although several states have unsuccessfully sued the federal
17 government to recover costs related to the education, incarceration, and health care of
18 illegal immigrants, arguing that the costs result from the federal government's failure to
19 enforce its laws. The Colorado legislature recently passed two laws that direct the state
20 attorney general to pursue all remedies to recover from the federal government the costs
21 incurred by the state related to illegal immigration.

22 **Argument For**

23 1) A lawsuit makes it explicitly clear that states want the federal government to
24 take action to enforce federal immigration laws. An independent research group estimates
25 that last year Colorado spent \$225 million on K-12 education, emergency medical care, and
26 incarceration of illegal immigrants. Illegal immigrants also benefit from other state
27 services provided to all residents of the state regardless of immigration status, such as
28 public health assistance and child welfare services. The lawsuit required by referendum K
29 is an important step in reducing costs incurred by the state in dealing with illegal
30 immigrants.

1 **Argument Against**

2 1) Requiring the state attorney general to sue the federal government for
3 enforcement of immigration laws could waste state tax dollars and the attorney general's
4 time. The federal government has exclusive authority to make and enforce federal
5 immigration laws, and other states' attempts to obtain reimbursement for costs incurred in
6 dealing with illegal immigration have failed. Rather than pursuing a lawsuit that will likely
7 fail, states should instead urge Congress to reform federal immigration laws.

8 **Estimate of Fiscal Impact**

9 Referendum K is expected to cost the state \$190,000 annually until the lawsuit is
10 resolved.

REFERENDUM K
IMMIGRATION LAWSUIT AGAINST FEDERAL GOVERNMENT
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Referendum K
Immigration Lawsuit Against Federal Government

1 **Ballot Title:** Shall the Colorado state attorney general initiate or join other states in a
2 lawsuit against the United States attorney general to demand the enforcement of all
3 existing federal immigration laws by the federal government?

4 **Text of Proposal:**

5 *Be it enacted by the General Assembly of the State of Colorado:*

6 **SECTION 1.** Title 24, Colorado Revised Statutes, is amended BY THE
7 ADDITION OF A NEW ARTICLE to read:

8 **ARTICLE 19.8**

9 **Directive to the Attorney General to Demand Federal**
10 **Enforcement of Existing Federal Immigration Laws**

11 **24-19.8-101. Legislative declaration.** THE GENERAL ASSEMBLY HEREBY FINDS
12 AND DECLARES THAT THE FAILURE TO ENFORCE IMMIGRATION LAWS AT THE FEDERAL
13 LEVEL PLACES AN UNDUE BURDEN ON STATE GOVERNMENT RESOURCES AND THAT THERE
14 IS A LIMITATION ON WHAT CAN BE DONE AT THE STATE LEVEL TO ENFORCE THE FEDERAL
15 LAWS AND TO IMPLEMENT LAWS AT THE STATE LEVEL. THE GENERAL ASSEMBLY
16 FURTHER FINDS THAT THE STATE OF COLORADO SPENDS A DISPROPORTIONATE SHARE OF
17 ITS LIMITED TAX REVENUE ON PUBLIC SERVICES AND BENEFITS SUCH AS HEALTH CARE,
18 LAW ENFORCEMENT, CRIMINAL DEFENSE AND INCARCERATION, AND EDUCATION THAT
19 ARE PROVIDED TO ILLEGAL ALIENS AS A RESULT OF THE FEDERAL GOVERNMENT'S
20 FAILURE TO ENFORCE IMMIGRATION LAWS. THEREFORE, THE COLORADO STATE
21 ATTORNEY GENERAL SHALL INITIATE OR JOIN OTHER STATES IN A LAWSUIT AGAINST THE
22 UNITED STATES ATTORNEY GENERAL TO DEMAND THE ENFORCEMENT OF ALL EXISTING
23 FEDERAL IMMIGRATION LAWS BY THE FEDERAL GOVERNMENT.

24 **SECTION 2. Refer to people under referendum.** This act shall be submitted
25 to a vote of the registered electors of the state of Colorado at the next election for which
26 it may be submitted, for their approval or rejection, under the provisions of the
27 referendum as provided for in section 1 of article V of the state constitution, and in
28 article 40 of title 1, Colorado Revised Statutes. Each elector voting at said election and
29 desirous of voting for or against said act shall cast a vote provided by law either "Yes"
30 or "No" on the propositions: "SHALL THE COLORADO STATE ATTORNEY GENERAL
31 INITIATE OR JOIN OTHER STATES IN A LAWSUIT AGAINST THE UNITED STATES ATTORNEY
32 GENERAL TO DEMAND THE ENFORCEMENT OF ALL EXISTING FEDERAL IMMIGRATION LAWS
33 BY THE FEDERAL GOVERNMENT?" The votes cast for the adoption or rejection of said act
34 shall be canvassed and the result determined in the manner provided by law for the
35 canvassing of votes for representatives in Congress.