

Measure #28
Plain Language in State Law

1 **Ballot Title:** An amendment to the Colorado constitution concerning plain language
2 in state laws, rules, and regulations, and, in connection therewith, voiding in its entirety
3 any exercise of the legislative power of the state that occurs after December 31, 2010,
4 unless every law, rule, or regulation that it changes, creates, or extends is expressed
5 entirely in plain language; defining “plain language” as language that is worded with
6 simplicity and clarity and that an average high school graduate can read and understand
7 without confusion or doubt about the correct meaning; and authorizing a person subject
8 to a law, rule, or regulation that is not expressed entirely in plain language to sue in any
9 district court to enforce the plain language requirement and, if successful, receive an
10 award of costs and reasonable attorney fees paid by the state.

11 **Text of Proposal:**

12 Be it Enacted by the People of the State of Colorado:

13 **SECTION 1.** Article V of the constitution of the state of Colorado is amended BY
14 THE ADDITION OF A NEW SECTION to read:

15 **Section 51. Plain Language Lawmaking.** ANY EXERCISE OF THE LEGISLATIVE POWER
16 OF THE STATE THAT OCCURS AFTER DECEMBER 31, 2010, WILL BE VOID IN ITS ENTIRETY
17 UNLESS EVERY LAW, RULE AND REGULATION THAT IT CHANGES, CREATES OR EXTENDS
18 IS EXPRESSED ENTIRELY IN PLAIN LANGUAGE.

19 PLAIN LANGUAGE MEANS LANGUAGE THAT IS WORDED WITH SIMPLICITY AND CLARITY
20 AND THAT THE AVERAGE PERSON GRADUATING FROM THE PUBLIC HIGH SCHOOLS OF THE
21 STATE CAN READ AND UNDERSTAND WITHOUT CONFUSION OR DOUBT ABOUT THE
22 CORRECT MEANING.

23 A LAW, RULE OR REGULATION IS EXPRESSED ENTIRELY IN PLAIN LANGUAGE ONLY IF
24 EACH ONE OF ITS PROVISIONS IS INDIVIDUALLY EXPRESSED ENTIRELY IN PLAIN
25 LANGUAGE.

26 ANY CROSS REFERENCE IS NOT PLAIN LANGUAGE UNLESS IT IS ACCOMPANIED BY PLAIN
27 LANGUAGE THAT BRIEFLY, ACCURATELY, COMPLETELY AND CLEARLY DESCRIBES THE
28 SUBSTANCE OF THE ITEM TO WHICH REFERENCE IS MADE.

29 ANY WORD OR PHRASE THAT HAS A DEFINED MEANING IS NOT PLAIN LANGUAGE UNLESS
30 THE DEFINED MEANING, WHEREVER GIVEN, IS EXPRESSED ENTIRELY IN PLAIN LANGUAGE.

1 ANY PERSON SUBJECT TO A LAW, RULE OR REGULATION THAT IS NOT EXPRESSED
2 ENTIRELY IN PLAIN LANGUAGE MAY BRING AND TRY A SUIT IN THE DISTRICT COURT OF
3 ANY COUNTY OF ANY JUDICIAL DISTRICT OF THE STATE TO ENFORCE THIS SECTION. A
4 PERSON WHO PREVAILS IN SUCH A SUIT IS ENTITLED TO AN AWARD OF COSTS AND
5 REASONABLE ATTORNEY FEES TO BE PAID BY THE STATE.

6 **SECTION 2.** This amendment shall take effect 30 days after the vote of the people
7 approving it.