

STATE OF COLORADO

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MEMORANDUM

April 28, 2008

TO: Page and Chester Penk

FROM: Legislative Council Staff and Office of Legislative Legal Services

SUBJECT: Proposed initiative measure 2007-2008 #101, concerning a healing amendment to the Colorado constitution in the form of a sex strike against war

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.

Purposes

The major purpose of the proposed amendment appear to be:

1. To mandate through an amendment to the Colorado constitution a sex strike by women in Colorado every year on August 16.

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. It is standard drafting practice to use small capital letters to show the language being added to the Colorado constitution. For example, the first line of your proposal would read "[SHALL THERE BE A SEX STRIKE BY THE WOMEN ONLY ANNUALLY ON AUGUST 16,...]". Would the proponents consider using this standard drafting practice in their proposal?
2. Under section 1 (5) of article V of the Colorado constitution, the proponent of an initiative is directed to submit the text of a proposed constitutional amendment for review and comment. The proponents have submitted just a ballot question rather than the actual language that would be added to a particular provision of the Colorado constitution. Would the proponents be willing to amend their proposal to include specific placement instructions and the actual text of their proposed constitutional change?

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 the proposed initiative?
2. It would be helpful to further define "sex strike" to clarify to whom it applies and to whom it does not apply, if anyone.
3. The application of the proposed amendment to women only could raise constitutional questions concerning discrimination and disparate treatment. Have the proponents considered a response to such concerns?