

STATE OF COLORADO

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MEMORANDUM

August 20, 2007

TO: Page Penk and Chester Penk

FROM: Legislative Council Staff and Office of Legislative Legal Services

SUBJECT: Proposed initiative measure 2007-2008 #40, concerning peace

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 appears to be:

1. To amend the Colorado constitution by adding a new article XXX that would declare that peace is possible.

Comments and Questions

The form and substance of the proposed initiative raise the following comments and questions:

Technical questions:

1. To conform to standard drafting practices, would the proponents consider rewriting the text of the proposed initiative as follows:

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

The constitution of the state of Colorado is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE XXX

Section 1. PEACE IS POSSIBLE."?

2. To conform to standard drafting practices, would the proponents consider naming the new article in capital letters below the article number? For example:

ARTICLE XXX
PEACE

3. Do the proponents intend that the word "soul," which would be eliminated if the proponents choose to amend the proposed initiative to conform to standard drafting practices as suggested, mean "only"? If so, the correct spelling is "sole."
4. It is unclear whether the proponents intend for the language of the proposed article XXX to read "PEACE IS POSSIBLE shall be the soul words of Article XXX of the Colorado Constitution" or rather that the proposed article XXX only contain the words "PEACE IS POSSIBLE." Would the proponents clarify their intent on the language for the proposed article XXX?

Substantive questions:

1. Article V, section 1 (5.5) of the Colorado constitution requires each initiative to have a single subject. What is the single subject of the proposed initiative?
2. Is the proposed initiative intended to have any legal effect (i.e., to establish or affect any legal rights or impose any legal obligations on any person or entity) or is it simply intended to describe the prospects for peace or to refute any unspoken assumptions one or more persons may have regarding the impossibility of peace?
3. Typical dictionary definitions of the word "peace" include: (1) The absence of war or other hostilities; (2) An agreement or treaty to end hostilities; (3) Freedom from quarrels or disagreement: harmonious relations; (4) Public security and order; and (5) Inner contentment: serenity. What meaning do the proponents ascribe to the word "peace" for purposes of the proposed initiative?