

STATE OF COLORADO

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MEMORANDUM

April 11, 2008

TO: Page and Chester Penk

FROM: Legislative Council Staff and Office of Legislative Legal Services

SUBJECT: Proposed initiative measure 2007-2008 #97, concerning a sex strike in support of combat troops.

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 purposes of the proposed amendment appear to be:

1. To mandate a sex strike by women in the state of Colorado on January 1, 2009, in support of United States combat troops.
2. To amend the Colorado Constitution.

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, ON JANUARY 1, 2009,...]." Would the proponents consider using this standard drafting practice in their proposal?
2. The proponents use "wife's and parents" in the proposal, which means the possessive form of a single wife and multiple parents. Is it the proponents intent to mean "wives and parents" and, if so, would they consider changing that language?
3. The text of the proposed initiative is in the form of a ballot question, rather than the actual language they wish to see amend a particular place in the constitution. Would the proponents be willing to amend their proposal to include specific placement instructions and language for the constitution?

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 who it applies to and who it does not apply to, 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?

4. If passed, the proposed initiative could not take effect until the vote is proclaimed by the governor. Sometimes, that does not happen until after January 1. Would the proponents consider a later date to be certain the action occurs after the proclamation of the vote?