

**Initiative #28
Plain Language in State Law**

1 **Amendment ? proposes amending the Colorado Constitution to:**

- 2 ♦ require every law changed or created by the state legislature or citizen
3 initiative to be written in plain language starting in 2011;
- 4 ♦ void any legislative action that does not meet the plain language
5 standard; and
- 6 ♦ allow any person subject to a law that is not written in plain language to
7 challenge the law in court.

8 **Summary and Analysis**

9 Under the state constitution, legislative power is granted to the state legislature
10 and to citizens through the initiative process. This includes the power to take
11 legislative action that creates or changes laws. Currently, state law requires any
12 action by the state legislature to be written in plain language using words with
13 common and everyday meaning that are understandable to the average reader. State
14 law also encourages, but does not require, citizen initiatives to be written using the
15 same guidelines.

16 **Amendment ? requirements.** Amendment ? adds a provision to the state
17 constitution requiring every law created or changed by the state legislature or citizen
18 initiative after December 31, 2010, to be written entirely in plain language.
19 Amendment ? defines plain language as language that is simple, clear, and
20 understandable to the average high school graduate without confusion or doubt about
21 the meaning. Any legislative action that does not meet the plain language standard is
22 void.

23 Additionally, Amendment ? allows a person who believes that a state law is not
24 written in plain language to challenge the law in court. If the court rules in favor of the
25 person, he or she is entitled to collect costs and attorney fees from the state.

1 **Arguments For**

2 1) Writing laws in plain language helps citizens understand the laws they are
3 required to follow without the assistance of a lawyer. If a law is unclear, a citizen may
4 not understand how it applies to him or her. In addition, government should hold itself
5 to the same standards it requires of businesses. Just as credit card statements and
6 insurance policies must be written in plain language, so must the laws creating those
7 requirements.

8 **Arguments Against**

9 1) The measure is unnecessary because current law already requires laws to be
10 written in plain language. Under Amendment ?, citizens will be able to challenge a law
11 based solely on the law's wording rather than on its merits. The measure defines plain
12 language as wording that is understood by a high school graduate, but not every high
13 school graduate has the same reading comprehension level. This may result in the
14 measure being interpreted inconsistently by the courts. Further, even if the court finds
15 that the law is written in plain language, the measure does not require the person filing
16 the lawsuit to reimburse the state for its costs.

17 **Estimate of Fiscal Impact**