

# STATE OF COLORADO

## Colorado General Assembly

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## MEMORANDUM

**TO:** Dusti Gurule and Dani Newsum  
**FROM:** Legislative Council Staff and Office of Legislative Legal Services  
**DATE:** September 29, 2023  
**SUBJECT:** Proposed initiative measure 2023-2024 #90, concerning the right to abortion

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 submit our comments to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the directors of 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.

This initiative was submitted proposed initiative 2023-2024 #89. The comments and questions raised in this memorandum will not include comments and questions that are addressed in the memorandum for proposed initiative 2023-2024 #89, except as necessary to fully understand the issues raised by this proposed initiative. Comments and questions addressed in that other memorandum may also be relevant, and those questions and comments are incorporated by reference in this memorandum.

## **Purposes**

The major purposes of the proposed amendment to the Colorado constitution appear to be:

1. To ensure the right to abortion;
2. To allow abortion to be a covered service under health insurance; and
3. To allow public funding for abortion.

## **Substantive Comments and Questions**

The substance of the proposed initiative raises the following comments and questions:

1. Article V, section 1 (8) of the Colorado constitution requires that the following enacting clause be the style for all laws adopted by the initiative: "Be it Enacted by the People of the State of Colorado." To comply with this constitutional requirement, this phrase should be added to the beginning of the proposed initiative.
2. 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?
3. Article V, section 1 (4)(a) of the Colorado constitution states that all approved ballot measures shall take effect on the day of the proclamation by the governor. Is this the intended effective date of the initiative? If not, what is the intended effective date?