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BALLOT INITIATIVE - COLORADO

Matter of Title , Ballot Title and Submission Clause for 2021-2022 #16

Supreme Court of Colorado - June 21, 2021 - P.3d - 2021 WL 2645511 - 2021 CO 55

Initiative opponents petitioned for review of Ballot Title Setting Board decisions in setting title, ballot title, and submission clause for initiative proposing to amend Colorado's criminal animal cruelty statutes by ending certain exemptions for livestock, creating a safe harbor for the slaughter of livestock with various conditions, and expanding the definition of "sexual act with an animal," a type of animal cruelty, alleging that initiative spanned multiple subjects in violation of single subject requirement.

The Supreme Court held that:

- Central theme of ballot initiative was to extend animal cruelty statutes to livestock;
- Initiative's safe harbor for slaughter of livestock did not violate single subject rule;
- Initiative's expansion of definition of "sexual act with an animal" violated single subject rule.

In determining whether ballot initiative violated single subject rule, central theme of initiative was to extend criminal animal cruelty statutes to livestock; initiative would remove animal cruelty statutes' exception for accepted animal husbandry practices utilized by any person in the care of companion or livestock animals, end exemption to certain sentencing provisions for treatment of livestock and other animals used in farm or ranch production of food, fiber, or other agricultural products when the treatment is in accordance with accepted agricultural animal husbandry practices, enact a safe harbor for slaughter of livestock from animal cruelty statutes, and expand definition of sexual act with an animal, a type of animal cruelty.

Initiative's safe harbor amendment to criminal animal cruelty statutes for slaughter of livestock, clarifying that slaughtering livestock would not count as animal cruelty if animals had lived a minimum number of years and they were killed in accordance with accepted animal husbandry practices that did not cause needless suffering, did not violate single subject rule; policy preventing killing of young livestock addressed treatment of living animals, rather than livestock death, risk of logrolling was low because creating safe harbor pointed in the same direction of increasing welfare of livestock and would not have surprised voters, and proposal was not particularly lengthy or complex.

Initiative's amendment to Colorado's criminal animal cruelty statutes by expansion of definition of "sexual act with an animal," a type of animal cruelty, violated single subject rule; provision would have modified standard of care for all animals by criminalizing new conduct, regardless of whether that conduct was directed at livestock or other animals, served at least two distinct and separate purposes, was not necessarily and properly connected to measure's central focus of incorporating livestock into animal cruelty statutes, and ran risk of surprising voters with a surreptitious change.

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