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MEMORANDUM

October 18, 2002

TO: Douglas Campbell
Dennis Polhill

FROM: Legislative Council Staff and Office of Legislative Legal Services

SUBJECT: Proposed initiative measure 2003-2004 #4, concerning petition rights

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 amendment.

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 drafting the language of their proposal and to make the public aware of the contents of the proposal. Our first objective is to be sure we understand your intent and objective in proposing the amendment. We hope that the statements and questions 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 amend section 2 of article VII of the state constitution.
2. To specify that:
 - a. The new section 2 creates fundamental rights to strengthen citizen control of government;

- b. The new section 2 is self-executing and severable and supersedes conflicting constitutional, charter, and other state and local laws;
 - c. Time limits shall be delayed only to expire on a district business day;
 - d. The state shall enforce strict compliance with the new section 2 by all districts;
 - e. Individual and class action suits shall be filed within one year of a violation;
 - f. A plaintiff may require a jury trial verdict on all matters of law, fact, and damages;
 - g. A district violation shall not void a petition;
 - h. A district violation shall not be balanced or harmonized, nor excused by substantial compliance, good faith, or emergencies, but shall require strictest scrutiny and full enforcement; and
 - i. A successful plaintiff shall also recover from a defendant district or person who violates a specific provision of the new section 2 all costs and attorney fees, contingent or not, but a defendant who is not a petition agent shall recover only if a jury finds that the suit is frivolous.
3. To define the terms "ballot titles", "districts", "petitions", and "shall".
4. To establish the following regarding petition rights:
- a. Petition rights shall exist in all districts;
 - b. Required district registered elector petition entries shall not exceed 5% of all district votes for Secretary of State in the last full-term election for that office, and the General Assembly may lower that level for proposed statutes;
 - c. Any review and comment hearing shall be held within seven days of the submission of an initiative draft;
 - d. To specify the following concerning initiative ballot titles:
 - i. Initiative ballot titles shall not exceed 75 words, shall be set within seven days of a request, and may also be set by any state district court;
 - ii. No summary, fiscal note, or multiple-subject finding shall be made at ballot title settings;
 - iii. Ballot title disputes and all challenges to initiatives on single-subject grounds shall be appealed to the Colorado Supreme Court within five days of the setting, finally decided within 7 days of filing the appeal, and very broadly

construed to aid initiatives;

- iv. A petition is conclusively a single subject if the Colorado Supreme Court does not decide otherwise within 7 days;
 - v. A decision that an initiative contains multiple subjects must specify all words that are not part of a single subject; a revision that deletes those words and adds no others shall conclusively be a single subject; and a decision shall also specify a ballot title for the initiative or revision; and
 - vi. No other appeal, rehearing, challenge, or decision shall be allowed.
- e. Within seven days of a request for a petition form, districts shall print and deliver them and may charge actual costs up to one dollar per 100-entry form;
 - f. All districts shall adapt the 1988 state petition forms with no entry space for a county;
 - g. Errors in petition forms or ballot titles shall not affect petitions;
 - h. Peaceful petitioning at entries to buildings owned or leased by any district and then open to the public shall be protected;
 - i. Except for petition form charges, no petition process fee, card, badge, bond, licensing, or training for petition agents shall be required; and
 - j. Any Colorado adult may circulate any petition, and the use of paid circulators shall create no extra legal duty.
5. To specify the following regarding referendum petitions:
- a. No more than 10 legislative measures passed in a district in any year may be excepted from possible referendum petitions;
 - b. An excepted measure, and a detailed description of the emergency justifying the exception, shall each be passed by a 3/4ths vote of all members of the local board or of each house of the General Assembly;
 - c. Any state measure not excepted shall take effect 91 days or more after the General Assembly session passing it finally adjourns, and such local measure 91 days or more after post-passage publication;
 - d. An initial filing of referendum petitions by the 90th day after such event shall delay the effective date until the election or final petition invalidation;
 - e. Measures rejected by voters are void, and wholly or mostly similar measures shall be fully or partly reenacted only with voter approval;

- f. Referendum petition ballot titles shall read "SHALL (DISPUTED SECTIONS OF) (type of measure and number only) BE APPROVED?" Such petitions shall have no title-setting, appeal, or single-subject challenge, nor include the measure's text in the petition form;
 - g. To allow referendum petitions to begin at any time; and
 - h. To exempt appropriations for district support from referendum petitions.
6. To specify the following regarding petition filings:
- a. Petitions with sufficient gross entries shall be initially filed within 12 months of petition form delivery, and petitions not initially filed 3 months or more before an election may be filed for the next election;
 - b. Signers of notarized or verified petitions shall be presumed district registered electors making valid petition entries until disproved by clear and convincing evidence;
 - c. Technical defects and minor variations and omissions shall be very broadly construed to aid petitions;
 - d. Listing a mailing address shown on the signer's registration record shall be valid;
 - e. Protests shall be filed within 10 days of petition filing and not amended, and hearings shall be public, limited to reasons itemized in the protest, and decided within 10 days of protest filing using judicial rules of evidence and procedure;
 - f. Random sampling and machine reading of entries shall be excluded;
 - g. Each protested entry shall be examined separately at the hearing;
 - h. If districts do not review equally all petitions before an election, no district review shall be used to invalidate any such petition;
 - i. Petitioners shall have 10 days after all validation procedures and appeals to re-file with corrections and new petition entries made at any time, to which all procedures and appeals shall also apply; third filings are barred; and
 - j. When initially filed, a petition with sufficient gross entries shall receive a ballot number and a ballot placement, which remain until all procedures and appeals are decided.
7. To specify the following:
- a. All state and local petitions shall be Article X, section 20 (3) ballot issues voted on at any November election;

- b. Petition agents shall be allowed to file up to 1,000 words for ballot information booklets and election notices sent to addresses of all active registered electors, and the length of that filing shall be the maximum for a summary of comments filed by opponents;
- c. Election notices and booklets for petitions shall be limited to written comments filed by 45 days before the election and other information required by article X, section 20 (3) (b) of the state constitution;
- d. Article V, section 1 (7.5) (a) (II) of the state constitution and the last sentence of article X, section 20 (3) (b) (v) of the state constitution shall not apply to petitions;
- e. Except for petition and election procedures and materials required by law, or in court cases, no public resources shall be spent to comment on any pending petition after its ballot title is set;
- f. No public resources shall be used to defend or reimburse violators;
- g. Each district and other violators shall pay the greater of \$2,000 or three times the amount of all illegally spent resources;
- h. Unless otherwise stated in the text or unless its text be unlawful, a future voter-approved initiative shall remain in effect until changed by voters;
- i. The provisions of this new section may be amended, superseded, or repealed only by a voter-approved petition; and
- j. Except measures passed by March 1, 2005, future state or local petition laws, rules, and regulations shall be article X, section 20 (3) ballot issues voted on at any November election.

Comments and Questions

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

Technical questions:

1. The proposed amendment creates a new section 2 in article VII of the state constitution. Such a section already exists as the repealed section on "Suffrage to women". It is the customary practice in Colorado to maintain the heading of the repealed section in the Colorado Revised Statutes, as well as the source notes, for historical purposes. Do the proponents intend to replace the reference to this repealed section, along with the source notes? Have the proponents considered placing the new section in article V of the state constitution, which already governs initiative and referendum petitions? If the proponents

desire to keep the proposed amendment in article VII of the state constitution, the next new section in that article would be section 13. Would the proponents consider making their proposed amendment a new section 13 in article VII of the state constitution?

2. It is standard drafting practice in Colorado to introduce changes to constitutional and statutory provisions by means of an amending clause that would state, for example, "Article VII of the state constitution is amended BY THE ADDITION OF A NEW SECTION to read:". Would the proponents consider incorporating this form of amending clause in the text of the proposed amendment?
3. To be consistent with other statutory and constitutional provisions, would the proponents consider replacing "Within this section:" with the introductory clause "As used in this section, unless the context otherwise requires:" in subsection (2) of the proposed amendment containing definitions?
4. To be consistent with basic principles of constitutional and statutory drafting, would the proponents be willing to show the text of the proposed amendment, apart from the section heading, in "SMALL CAPS" to indicate new language?
5. To avoid ambiguity, constitutional and statutory provisions are generally drafted using the singular rather than the plural. Would the proponents consider using the singular where appropriate in the proposed amendment? Examples of how its provisions could be stated in the singular may be found in the "Purposes" section of this memorandum.
6. In standard drafting practice for constitutional provisions, numbers are expressed in words rather than in figures. To be consistent with this practice, would the proponents consider spelling out the numbers in the proposed amendment (e.g., "seventy-five words", "seven days", etc.).
7. In standard drafting practice, references to parts of a constitutional or statutory provision like "article" and "section" are not capitalized. Would the proponents consider spelling "Article" in lower case throughout subsection (3) (d) of the proposed amendment?
8. The word "shall" is prescriptive as it creates a duty to act or not act in a certain way. Moreover, the proposed amendment defines "shall" as "mandatory". In light of this, certain phrases in the proposed amendment may be read to require things that the proponents intend to be optional. In the phrases "Individual and class action suits shall be filed" in subsection (1) and "Protests shall be filed" in subsection (3) (c), would the proponents consider changing "shall" to "may"?
9. In standard English, a hyphen is not necessary between an adverb and the adjective it modifies. Would the proponents consider deleting the hyphen in the phrases "properly-titled" in subsection (3) (a) of the proposed amendment and "illegally-spent" in subsection (3) (d)?
10. The phrase "Only 10 district legislative measures" in subsection (3) (b) of the proposed amendment could be strictly read to mean that no more and no fewer than ten measures may

be excepted from the referendum process. Assuming the proponents intend that a district may except any number of measures up to ten, would they consider changing this phrase to "No more than ten district legislative measures"?

11. The phrase "passed by 3/4ths votes of all members" in subsection (3) (b) of the proposed amendment is ambiguous. Would the proponents consider changing it to "passed by a vote of not less than three-fourths of all members"?

Substantive questions:

1. Section 1 of article V of the state constitution requires that each initiative contain no more than one subject, which must be clearly expressed in its title. What do the proponents intend to be the single subject of the proposed amendment?
2. With respect to subsection (1) of the proposed amendment:
 - a. The proposed amendment states that its provisions supersede "conflicting constitutional, charter, and other state and local laws." Given that statutory, charter, and other state and local laws already do not supersede conflicting constitutional provisions, what is the effect of this provision with respect to these laws? Do the proponents anticipate that any conflicting constitutional provisions will be able to co-exist with the new provisions, or will such conflicting provisions need to be repealed? In particular, how will the new section relate to the existing provisions of article V of the state constitution that govern initiative and referendum petitions.
 - b. The proposal states that "The state shall enforce strict compliance with this section by all districts." How is the state to "enforce strict compliance"? Which branch or entity of the state government will be responsible for this enforcement?
 - c. What is the meaning of the phrase "defendants who are not petition agents?" Will a defendant who is not a petition agent be able to recover attorney fees if the suit is found frivolous and dismissed by a judge prior to going to trial and the selection of a jury? Since defendants may be entities instead of individuals, would the proponents consider changing "who" to "that"?
 - d. With respect to the sentence allowing plaintiffs to require a jury trial verdict on all matters of law, fact, and damages, a jury typically makes findings of fact and applies law to facts. The court, in contrast, decides what law applies and interprets the law when necessary. Is this provision intended to change this practice? Does this prevent a judge from ruling on motions affecting the case? Directing the verdict of the jury? What happens if the jury does not reach a verdict?
 - e. What is the proponents' intent in specifying in the text of the proposed amendment that "violations shall not . . . be balanced or harmonized, nor excused by substantial compliance, good faith, or emergencies, but shall require strictest scrutiny and full

enforcement"? What do the terms "balanced or harmonized", "strictest scrutiny", and "full enforcement" mean in the context of the proposed amendment? Would the proponents consider clarifying this language or defining these terms? Which person or entity will apply such terms? For example, will the terms be applied by courts, the Secretary of State, local election commissions, law enforcement, or all of the above? In what context or under which procedures will such terms be applied?

- f. Does the term "(3) (d) violators" refer exclusively to persons who spend public funds to comment on a pending petition after its ballot title is finally set as paragraph (d) of subsection (3) of the proposed amendment? If not, what other violations make someone a violator?

3. With respect to subsection (2) of the proposed amendment:

- a. In connection with subsection (2) (b), is it the proponents' intent that the definition of "districts" supersede existing definitions of a municipality, city, town, city and county, home rule city, special district, or school district? Does the definition include such entities? Are the proponents aware whether such definition is in conflict with any such existing definitions? Are the proponents aware of any entities that do not fit this definition?
- b. In connection with subsection (2) (b), what is the proponents' intent in including enterprises and authorities within the meaning of district insofar as such entities generally do not have their own registered electors capable of voting on the entity's affairs?
- c. In connection with subsection (2) (c), what do the proponents intend by the phrase "legislative policy"? Do the proponents intend this phrase to cover all types of lawmaking by a governing body at the state or local levels unless otherwise exempted by the language of this subsection? What does "specific uses of administrative procedure" mean, and how exactly does this differ from "legislative policy"? Would the promulgation of rules constitute "legislative policy" or "uses of administrative procedure"?
- d. In connection with subsection (2) (d) of the proposed amendment, does the word "shall" need to be defined given that it has a common usage and a well-established meaning in statutory construction?

4. With respect to subsection (3) (a) of the proposed amendment:

- a. What are the "petition rights" granted by this subsection (3)?
- b. What are "required district registered elector petition entries"?
- c. Under the proposed amendment, how exactly will a petition make it to the ballot?

- d. What is the meaning of the phrase "full-term general election"? If a Secretary of State who was appointed to fill a vacancy is required to stand for election to fulfill the remainder of the vacant term at the next general election, is it the votes at that election upon which the 5% requirement is calculated or the votes for the office cast at the prior general election?
- e. What is the function of a review and comment hearing under the proposed amendment? Which person or entity is designated to conduct the review and comment process at all district levels? Can this be determined by state law and/or local ordinance?
- f. Which person or entity is designated to set ballot titles pursuant to this subsection (3) (a) in addition to a state district court? What role is contemplated for the existing title setting board under the proposed amendment?
- g. What title will the petition have if the Colorado Supreme Court does not decide ballot title disputes or single-subject challenges within seven days? Is it possible for a petition that is appealed to the Supreme Court on single subject grounds to not have had a title previously set? If so, and if a single subject challenge is not decided by the court within seven days, is it possible for a petition to be placed on the ballot without a title?
- h. If the Colorado Supreme Court sets the ballot title within seven days, is there an opportunity for a rehearing? Does the same opportunity exist if the title is not set within seven days?
- i. What is the meaning of the phrase "properly titled single subjects"? If the title board does not set a title and the Colorado Supreme Court does not decide on a resulting appeal within seven days, who sets the title?
- j. What does the phrase "very broadly construed to aid initiatives" mean? Does this requirement amount to a mandate to the Colorado Supreme Court as to how it is supposed to rule in cases raising a challenge to an initiative petition?
- k. The proposed amendment states "Decisions that initiatives contain multiple subjects shall specify all words not part of single subjects. Revisions that delete those words, and add no others, shall conclusively be single subjects." This language raises the following questions:
 - i. Does this requirement apply both to decisions of a title board and to decisions made by courts?
 - ii. Is it the proponents' intent that the court or, if applicable, the title board provide the initiative proponents with a revised initiative that would only contain a single subject? If the court or the title board determines that the initiative contains multiple subjects, how will the court or the title board

determine which subject is the single subject of the initiative?

- iii. What would happen if a court or title board found that it could not create a single subject merely by deleting words? Is it possible for a court or title board to add words to an initiative?
 - l. Would the proponents clarify what is meant by "No other appeal, rehearing, challenge, or decision shall be allowed"? Do the proponents intend to limit appeals to once before the Colorado Supreme Court?
 - m. To whom or what is the district to "deliver" its petitions "within 7 days of requests for petition forms"? Which person or entity is to be assessed the specified charge for printing and delivering the petition?
 - n. What do the proponents mean by the "1988 state petition forms without county entry spaces"?
 - o. The proposed amendment states that "Errors in petition forms or ballot titles shall not affect petitions." Is it the proponents' intent that no error, however serious, should disqualify a petition? Are the proponents concerned that an erroneous statement of the ballot issue on a petition form might mislead or confuse signers of the petition?
 - p. How is "Colorado adult" defined? Is residency status required? If so, how is it determined?
 - q. In connection with the last sentence of this subsection (3) (a), what does it mean to say the use of paid circulators creates no "extra legal duty"?
5. With respect to subsection (3) (b) of the proposed amendment:
- a. What is the proponents' intent in allowing the exception of no more than ten legislative measures passed in a district in a given year from possible referendum petitions? How is it determined which measures are subject to petition? For example, if eleven measures were passed with a safety clause, which one would be subject to petition?
 - b. What is the purpose of the "detailed descriptions of emergencies" requirement? Do the descriptions become part of the law? Is it a separate law? If so, is it subject to public testimony in legislative committees as with other enactments by the General Assembly? If the super-majority vote fails, does the law also fail, or does it simply fail to become an excepted measure? If the description is not part of the law, how is the public to be made aware of the description?
 - c. What is the proponents' intent in requiring three-fourths of "elected" members of a local board or of each house of the General Assembly? Is it the proponents' intent to not count or not allow the votes of members appointed to fill vacancies? Is it the

proponents' intent to prohibit government entities with appointed members from enacting excepted measures?

- d. What is a measure that is "wholly or mostly similar" and therefore able to be passed again only with voter approval? Who decides whether a measure is "wholly or mostly similar"? How and when is such a decision made? Can a decision that a measure is or is not "wholly or mostly similar" be challenged? If so, how?
 - e. What is the proponents' intent in specifying the language for referendum petition ballot titles? Can the proponents provide an example of how the language would be used? Is it the proponents' understanding that such language would cover all anticipated referendum petitions?
 - f. If a referendum petition "may begin at any time", could a referendum be circulated before the measure it challenges is enacted? If so, would signatures collected prior to changes being made in the measure through the state or local legislative process be valid?
 - g. If a referendum petition "may begin at any time", could a referendum petition be circulated after the ninety-day period following the enactment of the measure being challenged? If so, would this allow a referendum petition to be circulated after the law has taken effect? If so, what would be the effect of the law if it is repealed by the voters after it went into effect? If a petition can be circulated after the law goes into effect, is there a limit to when the required signatures must be gathered?
 - h. What is the proponents' intent in specifying that referendum petitions shall have no "title setting, appeal, or single-subject challenge"? If a bill is excepted from the referendum petition process, could a petition to refer such bill to the voters be challenged or appealed?
 - i. What is the proponents' intent in excluding the text of a referendum in the petition form? Are the proponents concerned that the absence of the text may cause confusion among potential signers of the petition with respect to the exact effect of the proposed measure?
6. With respect to subsection (3) (c) of the proposed amendment:
- a. What do the proponents mean by "sufficient gross entries"? How are such amounts to be calculated?
 - b. Is it the proponents' intent that any petition not filed "3 months or more before elections" be automatically excluded from being submitted to the voters at that election?
 - c. To which person or entity are the petitions to be filed? Which person or entity has responsibility for reviewing entries to ensure a sufficient number of signatures?

- d. What is the rationale for the presumption that signers of verified petitions are registered electors within the district making valid petition entries? What is the proponents' rationale for the use of the clear and convincing evidence standards for disproving petition entries?
 - e. What would constitute a "protest" for purposes of challenging petition signatures? Would such a protest be made to the Secretary of State? To a district court? To some other entity?
 - f. Which person or entity has the responsibility for conducting the protest hearings required by this subsection (3) (c)?
 - g. What are "judicial rules of evidence and procedure"? Which court's rules would be used?
 - h. Why are random sampling or machine reading of entries to be excluded? What methods are to be used to verify entries?
 - i. What is the proponents' intent in requiring each protested entry to be examined separately at a protest hearing? Is it the proponents' intent to require challenged signatures be evaluated individually by the district hearing the protest, and that the district determine whether each protested signature is valid? If so, what criteria will the district use to determine whether or not a protested signature is valid?
 - j. The proposed amendment contains a statement that "If districts do not review equally all petitions before elections, no district review results shall be used to invalidate any such petition." What does it mean to "review equally all petitions"? Who determines whether a district reviews all petitions equally? Do the proponents intend that if a protest is filed against one petition, all petitions must then be reviewed as stringently as the petition that a protest has been filed against? Is it the proponents' intent to require a district to reduce or increase the amount of scrutiny a district gives a petition? If a district does not uphold a protest against a petition, may the protest be appealed to a court, and if so, must the court then review all petitions filed in the district equally?
 - k. Will petitioners be able to gather additional signatures during the period where they are able to make "corrections and new petition entries"? Would the proponents clarify what is intended by allowing refile with "corrections and new petition entries made at any time"?
 - l. Why are third filings barred under this subsection (3) (c)?
7. With respect to subsection (3) (d) of the proposed amendment:
- a. What does it mean to assert that all state and local petitions shall be TABOR ballot issues voted on in any November election? Does this mean that petition elections for

purposes of the proposed amendment shall only take place at the same time as TABOR elections under section 20 (3) of article X of the state constitution? How would the provisions of section 20 (3) of article X that appear to be inconsistent with the proposed amendment apply? For example, would ballot titles under the proposed amendment have to include the phrase "**NOTICE OF ELECTION TO INCREASE TAXES/TO INCREASE DEBT . . .**" as required by subsection (3) (b) of TABOR? Do other election requirements of TABOR apply? If so, which requirements?

- b. Who are "petition agents" for purposes of this subsection (3) (d)?
- c. Which person or entity is responsible for preparing the voter information booklets and notices to be sent to all electors in accordance with the requirements of this subsection (3)(d)?
- d. Section 1 (7.5) of article V of the state constitution requires the nonpartisan research staff of the General Assembly to prepare a ballot information booklet that contains, among other things, "a fair and impartial analysis" of each statewide ballot measure. In limiting "election notices and booklets to written comments filed 45 days before the election", is it the proponents' intent to modify the manner in which ballot information booklets for statewide ballot measures are prepared? Is it the proponents' intent to prevent the nonpartisan staff of the General Assembly from preparing a fair and impartial analysis by limiting summaries of ballot measures to verbatim comments filed by petition proponents and summaries of comments filed by petition proponents in accordance with section 20 (3) (b) (v) of article X of the state constitution? If so, should the proposed amendment include a provision that amends section 1 (7.5) of article V to avoid having conflicting provisions in the state constitution? If not, should the language of the proposed amendment that limits election notices and booklets be limited to nonstatewide petitions?
- e. Is the sentence stating that "Article V, section 1 (7.5)(a)(II) and the last sentence of Article X, section 20 (3)(b)(v) shall not apply to petitions" intended to require that the constitutionally required ballot information booklets for initiated or referred constitutional amendments or legislation contain only the text and title of each initiated measure? If so, would the nonpartisan research staff of the General Assembly still be required to prepare ballot information booklets for referred measures? Is it the proponents intent that information on the referred measures as well as information prepared by the proponents and opponents be contained within the same ballot information booklet?
- f. By what procedures do opponents of a particular petition submit their comments in opposition? How is an opponent determined? If the proponents' comments exceed one thousand words, how is the summary of their comments prepared? Who prepares the summary? If the opponents' comments exceed the length of the proponents', how is their summary prepared? If the proponents do not submit comments, are opponents barred from including comments?

- g. The phrase "For petitions, those booklets and notices shall be limited to such written comments filed by 45 days before elections", taken together with the statement in subsection (3) (b) of the proposed amendment that "Referendum petitions may begin at any time", appears to allow written comments on a petition if the comments were filed while or prior to gathering signatures for the petition. Is it the proponents' intent that the petitions be allowed to have written comments prepared by the proponents and opponents of a petition placed upon the petition before or during its circulation for signatures?
- h. The proposed amendment states that section 1 (7.5) (a) (II) of article V of the state constitution does not apply to petitions. Is it the proponents' intent that this provision would continue to apply only to ballot measures referred by the General Assembly?
- i. The proposed amendment states that "Except for court cases, or petition and election procedures and materials required by law, no public resources shall be spent to comment on pending petitions after ballot titles are set", that "Each district and each other violator shall separately pay the state general fund at once, without offset, the greater of \$2,000 or three times all such illegally-spent public resources", and that "No public resources shall be spent to defend accused violators or reimburse fines", which raises the following questions:
 - i. Who is considered a "violator"? For example, if a state official requires a lower level state employee to expend public funds to make one thousand pamphlets that contain comments on a pending petition who is the "violator"? The state official? The lower level state employee? Both?
 - ii. What does it mean to be "accused" of a violation?
 - iii. Who speaks for a district for the purpose of being prohibited from commenting on a petition? The governing body of a district? Any employee of a district? Does the term "comment" include both written and verbal comments? What about picketing or artistic protests? Is it the proponents' intent to prohibit a district from taking an official position regarding a petition? What about a public official? If so, have the proponents considered whether or not the proposed amendment might violate the free speech protections of the First Amendment to the United States Constitution?
 - iv. What is the meaning of the term "without offset"?
- j. What is the proponents' intent in specifying that "future state and local petition laws, rules, and regulations shall be Article X, section 20 (3) ballot issues"? By providing that "future voter-approved initiatives shall be in effect until changed by voters", do the proponents intend to require voter approval to modify initiated laws in addition to constitutional changes?

- k. What do the proponents mean by "future state and local petition laws, rules, and regulations" as specified in the last sentence of this subsection (3) (d)? Does this refer to laws, rules, and regulations that are adopted or amended after this measure becomes effective? What are "state statutes subject of possible referendum petitions and enacted by March 1, 2005", and why are such measures exempt from the requirement addressing "local petition laws"?
 - l. Section 2 of article XIX of the state constitution allows the General Assembly to propose amendments to the constitution if approved by two-thirds of the members of each house. In contrast, the measure provides that the proposed new section shall be amended, superseded, or repealed only by a voter-approved petition. Do the provisions of the proposed amendment supersede the provisions of section 2 of article XIX? If so, does this requirement affect the single subject of the proposed amendment?
8. Pursuant to section 1-40-106 (1), C.R.S., the first meeting of the title board regarding ballot issues for the 2004 general election shall be held no sooner than the first Wednesday in December after an election, irrespective of when a draft of such initiative is submitted to the Secretary of State. If the proponents intend for this initiative to appear on the ballot in 2004, do they understand that the earliest the title board may meet to designate a title is the first Wednesday in December 2002?