

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE CONCURRENT RESOLUTION 08-003

BY SENATOR(S) Tapia, Shaffer, Mitchell S., Isgar, Groff, Gordon, Bacon, Boyd, Keller, Morse, Romer, Williams, Sandoval, Schwartz, Tochtrop, and Windels;

also REPRESENTATIVE(S) White, Kerr A., Roberts, Madden, Benefield, Carroll T., Casso, Curry, Fischer, Green, Hodge, Labuda, Liston, Looper, Marostica, Marshall, Merrifield, Peniston, Rice, Rose, Scanlan, and Sonnenberg.

SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF COLORADO AN AMENDMENT TO SECTION 1 OF ARTICLE V OF THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING BALLOT INITIATIVES, AND, IN CONNECTION THEREWITH, INCREASING THE NUMBER OF SIGNATURES REQUIRED FOR A PROPOSED INITIATIVE TO AMEND THE STATE CONSTITUTION; REDUCING THE NUMBER OF SIGNATURES REQUIRED FOR A PROPOSED STATUTORY INITIATIVE; REQUIRING A MINIMUM NUMBER OF SIGNATURES FOR A PROPOSED INITIATIVE TO AMEND THE STATE CONSTITUTION TO BE GATHERED FROM RESIDENTS OF EACH CONGRESSIONAL DISTRICT IN THE STATE; INCREASING THE TIME ALLOWED TO GATHER SIGNATURES FOR A PROPOSED STATUTORY INITIATIVE; MODIFYING THE REVIEW OF INITIATIVE PETITIONS; ESTABLISHING A FILING DEADLINE FOR PROPOSED INITIATIVES TO AMEND THE STATE CONSTITUTION; AND REQUIRING A TWO-THIRDS VOTE OF ALL MEMBERS ELECTED TO EACH HOUSE OF THE GENERAL ASSEMBLY TO AMEND, REPEAL, OR SUPERSEDE ANY LAW ENACTED BY

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

AN INITIATIVE FOR A PERIOD OF FIVE YEARS AFTER THE LAW BECOMES EFFECTIVE.

Be It Resolved by the Senate of the Sixty-sixth General Assembly of the State of Colorado, the House of Representatives concurring herein:

SECTION 1. At the next election at which such question may be submitted, there shall be submitted to the registered electors of the state of Colorado, for their approval or rejection, the following amendment to the constitution of the state of Colorado, to wit:

Section 1 (2), (4), and (5) of article V of the constitution of the state of Colorado are amended to read:

Section 1. General assembly - initiative and referendum.

(2) The first power hereby reserved by the people is the initiative. ~~and~~ Signatures by registered electors in an amount equal to at least ~~five~~ FOUR percent of the total number of votes cast for all candidates for the office of ~~secretary of state~~ GOVERNOR at the previous general election shall be required to propose ~~any measure by petition, and~~ AN INITIATIVE PETITION FOR STATE LEGISLATION. SIGNATURES BY REGISTERED ELECTORS IN AN AMOUNT EQUAL TO AT LEAST SIX PERCENT OF THE TOTAL NUMBER OF VOTES CAST FOR ALL CANDIDATES FOR THE OFFICE OF GOVERNOR AT THE PREVIOUS GENERAL ELECTION SHALL BE REQUIRED TO PROPOSE AN INITIATIVE PETITION FOR AN AMENDMENT TO THE CONSTITUTION. FOR AN INITIATIVE PETITION FOR AN AMENDMENT TO THE CONSTITUTION, THE MINIMUM NUMBER OF SIGNATURES BY REGISTERED ELECTORS WHO RESIDE IN EACH UNITED STATES CONGRESSIONAL DISTRICT IN COLORADO SHALL BE AN AMOUNT EQUAL TO EIGHT PERCENT OF THE MINIMUM NUMBER OF THE TOTAL SIGNATURES REQUIRED FOR SUCH PETITION. Every ~~such~~ petition shall include the full text of the measure so proposed. Initiative petitions for state legislation and amendments to the constitution, in such form as may be prescribed pursuant to law, shall be addressed to and filed with the secretary of state at least three months before the general election at which they are to be voted upon. WITHIN THIS DEADLINE, AN INITIATIVE PETITION FOR STATE LEGISLATION SHALL BE FILED WITHIN NINE MONTHS FROM THE DATE THAT ITS BALLOT TITLE IS FINALLY SET.

(4) The veto power of the governor shall not extend to measures

initiated by or referred to the people. All elections on measures initiated by or referred to the people of the state shall be held at the biennial regular general election, and all such measures shall become the law or a part of the constitution, when approved by a majority of the votes cast thereon, and not otherwise, and shall take effect from and after the date of the official declaration of the vote thereon by proclamation of the governor, but not later than thirty days after the vote has been canvassed. This section shall not be construed to deprive the general assembly of the power to enact any measure; EXCEPT THAT THE GENERAL ASSEMBLY SHALL NOT AMEND, REPEAL, OR SUPERSEDE ANY LAW ENACTED BY AN INITIATIVE FOR A PERIOD OF FIVE YEARS AFTER THE LAW BECOMES EFFECTIVE UNLESS APPROVED BY A VOTE OF TWO-THIRDS OF ALL THE MEMBERS ELECTED TO EACH HOUSE.

(5) (a) The original draft of the text of proposed initiated constitutional amendments and initiated laws shall be submitted to the legislative research and drafting offices of the general assembly for review and comment. NO LATER THAN TWO WEEKS AFTER SUBMISSION OF THE ORIGINAL DRAFT OF ANY PROPOSED MEASURE, UNLESS WITHDRAWN BY THE PROPONENTS, THE LEGISLATIVE RESEARCH AND DRAFTING OFFICES OF THE GENERAL ASSEMBLY SHALL PREPARE A MEMORANDUM THAT INCLUDES THEIR COMMENTS ON THE PETITION AND TRANSMIT THE MEMORANDUM TO THE PROPONENTS. No later than ~~two~~ THREE weeks after submission of the original draft, unless withdrawn by the proponents, the legislative research and drafting offices of the general assembly shall render their comments to the proponents of the proposed measure at a meeting open to the public, which shall be held only after full and timely notice to the public. ~~Such~~ PRIOR TO THE MEETING, THE LEGISLATIVE RESEARCH AND DRAFTING OFFICES OF THE GENERAL ASSEMBLY SHALL MAKE THE MEMORANDUM AND ORIGINAL DRAFT OF THE PROPOSED MEASURE PUBLICLY AVAILABLE. AT THE MEETING, MEMBERS OF THE PUBLIC SHALL BE GIVEN AN OPPORTUNITY TO PROVIDE COMMENT ON THE PROPOSED MEASURE AND THE ISSUES RAISED IN THE MEMORANDUM. MEMBERS OF THE GENERAL ASSEMBLY MAY ALSO PROVIDE COMMENT AT THE MEETING. THE meeting shall be held prior to the fixing of a ballot title. Neither the general assembly nor its committees or agencies shall have any power to require the amendment, modification, or other alteration of the text of any such proposed measure or to establish deadlines for the submission of the original draft of the text of any proposed measure.

(b) IN THE CASE OF A PROPOSED INITIATED CONSTITUTIONAL

AMENDMENT, THE ORIGINAL DRAFT OF THE PROPOSED MEASURE SHALL BE SUBMITTED TO THE LEGISLATIVE RESEARCH AND DRAFTING OFFICES OF THE GENERAL ASSEMBLY NO LATER THAN THE SIXTIETH DAY OF THE LEGISLATIVE SESSION PRIOR TO THE ELECTION AT WHICH THE MEASURE IS TO BE VOTED UPON. THE GENERAL ASSEMBLY MAY CONDUCT HEARINGS TO REVIEW A PROPOSED INITIATED CONSTITUTIONAL AMENDMENT. SUCH HEARINGS SHALL BE OPEN TO THE PUBLIC AND SHALL INCLUDE AN OPPORTUNITY FOR PUBLIC TESTIMONY.

SECTION 2. Each elector voting at said election and desirous of voting for or against said amendment shall cast a vote as provided by law either "Yes" or "No" on the proposition: "SHALL THERE BE AN AMENDMENT TO THE COLORADO CONSTITUTION CONCERNING BALLOT INITIATIVES, AND, IN CONNECTION THEREWITH, INCREASING THE NUMBER OF SIGNATURES REQUIRED FOR A PROPOSED INITIATIVE TO AMEND THE STATE CONSTITUTION; REDUCING THE NUMBER OF SIGNATURES REQUIRED FOR A PROPOSED STATUTORY INITIATIVE; REQUIRING A MINIMUM NUMBER OF SIGNATURES FOR A PROPOSED INITIATIVE TO AMEND THE STATE CONSTITUTION TO BE GATHERED FROM RESIDENTS OF EACH CONGRESSIONAL DISTRICT IN THE STATE; INCREASING THE TIME ALLOWED TO GATHER SIGNATURES FOR A PROPOSED STATUTORY INITIATIVE; MODIFYING THE REVIEW OF INITIATIVE PETITIONS; ESTABLISHING A FILING DEADLINE FOR PROPOSED INITIATIVES TO AMEND THE STATE CONSTITUTION; AND REQUIRING A TWO-THIRDS VOTE OF ALL MEMBERS ELECTED TO EACH HOUSE OF THE GENERAL ASSEMBLY TO AMEND, REPEAL, OR SUPERSEDE ANY LAW ENACTED BY AN INITIATIVE FOR A PERIOD OF FIVE YEARS AFTER THE LAW BECOMES EFFECTIVE?"

SECTION 3. The votes cast for the adoption or rejection of said amendment shall be canvassed and the result determined in the manner provided by law for the canvassing of votes for representatives in Congress,

and if a majority of the electors voting on the question shall have voted "Yes", the said amendment shall become a part of the state constitution.

Peter C. Groff
PRESIDENT OF
THE SENATE

Andrew Romanoff
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES