

Referendum O Citizen-Initiated State Laws

1 **Referendum O proposes amending the Colorado Constitution to:**

- 2 ◆ decrease the number of signatures required to place a statutory
3 initiative on the ballot, and increase the number of signatures required
4 to place a constitutional initiative on the ballot;
- 5 ◆ require that eight percent of signatures for constitutional initiatives be
6 gathered from each congressional district;
- 7 ◆ require that drafts of proposed constitutional initiatives be submitted for
8 review earlier in the year;
- 9 ◆ extend the time period for collecting signatures for statutory initiatives;
- 10 ◆ increase the number of votes required for the legislature to change a
11 statutory initiative for five years after the statute takes effect; and
- 12 ◆ allow the public and state legislators to comment on proposed initiatives
13 at a public meeting.

14 **Summary and Analysis**

15 In Colorado, citizens may propose new state laws or changes to existing laws
16 through the initiative process, also known as the petition process. Under this process,
17 proposed laws are put on the ballot by citizens instead of being proposed within the
18 state legislature. Initiatives must be approved by voters to take effect.

19 Citizens may initiate changes either to the state constitution or state statutes. In
20 general, the constitution defines the powers of the legislative, executive, and judicial
21 branches of government and contains the bill of rights. When conflicts arise between
22 the constitution and statutes, the constitution prevails. The constitution may be changed
23 only with approval of the state's voters at an election, and therefore is a more
24 permanent set of laws. Statutes, on the other hand, are more easily changed because
25 they do not need voter approval. They may be amended through any of the following
26 ways:

- 27 ◆ a bill passed by the state legislature and approved by the governor;
- 28 ◆ a bill passed by the state legislature and approved by the voters; or
- 29 ◆ an initiative approved by the voters.

30 Referendum O changes the requirements for proposing initiated laws, making it
31 easier to propose statutory initiatives and more difficult to propose constitutional
32 initiatives.

Signature requirements. To place an initiative on the ballot, proponents must collect a certain number of signatures from registered voters. Currently, the signature requirements for constitutional and statutory measures are the same. Referendum O differentiates between the two types, requiring 50 percent more signatures for constitutional initiatives than statutory initiatives, giving proponents of statutory initiatives an additional three months to collect signatures, and requiring proponents of constitutional initiatives to collect signatures throughout the state. Table 1 compares the current signature requirements to those proposed by Referendum O.

Table 1. Current and Proposed Signature Requirements

Issue	Current Initiative Process	Referendum O Initiative Process
How many valid signatures are required to place an initiative on the ballot?	An amount equal to 5 percent of all votes cast for secretary of state at the most recent election; 76,047 signatures required for 2008.	<u>Constitutional</u> - An amount equal to 6 percent of all votes cast for governor at the most recent election; 93,497 signatures required for 2008. <u>Statutory</u> - An amount equal to 4 percent of all votes cast for governor at the most recent election; 62,331 signatures required for 2008.
Where must signatures be collected?	Anywhere in the state.	<u>Constitutional</u> - At least 8 percent of the minimum required number of signatures must be collected from each congressional district; 7,480 signatures required from each of the 7 congressional districts (52,360 of the 93,497 total required signatures) for 2008. <u>Statutory</u> - No change
What is the maximum time allowed for collecting signatures?	6 months	<u>Constitutional</u> - No change <u>Statutory</u> - 9 months

Review of initiatives. Under current law, all initiatives must be submitted to the nonpartisan legislative staff for review. This review helps to ensure that the initiative's wording expresses the proponents' intent and notifies the public that an initiative has been submitted. The staff prepare written comments that address the wording, intent, and purpose of the initiative and discuss those comments at a meeting with the proponents. Currently, the public may attend the meeting, but may not testify. Referendum O requires that constitutional initiatives be submitted to legislative staff earlier than statutory initiatives and that an opportunity for public comment be provided at the meeting. Table 2 compares the current and proposed process for reviewing initiatives.

Table 2. Current and Proposed Review Procedures

Issue	Current Initiative Process	Referendum O Initiative Process
What is the deadline for submitting the text of initiatives for review?	The date changes annually, but generally falls in the second half of April; April 25 for the 2008 election.	<u>Constitutional</u> - No later than the 60th day of the legislative session prior to the election; March 8 for the 2008 election. <u>Statutory</u> - No change
When must staff provide written comments and hold a public meeting?	Within 2 weeks after the measure is submitted	Written comments must be provided to proponents within 2 weeks and the meeting must be held within 3 weeks after the measure is submitted.
Who may provide comments at the meeting?	Only legislative staff and proponents	Members of the public and state legislators, as well as proponents and legislative staff

Protection for statutory initiatives. Under current law, once a statutory initiative is passed by the voters, the legislature can pass a bill at any time to change that statute with a majority vote (33 representatives and 18 senators). Referendum O requires a two-thirds vote in the legislature (44 representatives and 24 senators) to pass a bill changing an initiated statute within five years of the statute taking effect.

Arguments For

1) Laws sometimes need to be updated to keep pace with a changing world. Referendum O encourages citizens to propose statutory initiatives, which can be changed more easily than constitutional initiatives. Statutory initiatives preserve the citizens' right to initiate laws, while giving the legislature flexibility to react when laws require clarification or when problems or unforeseen circumstances arise.

2) Because the requirements for proposing constitutional initiatives are no different than the requirements for proposing statutory initiatives, the constitution is susceptible to detailed provisions that cannot be changed without another election. Placing detailed provisions in the constitution limits the ability of the legislature to address policy and fiscal matters. Requiring more signatures for constitutional initiatives makes it more difficult to initiate constitutional amendments, which may make the Colorado Constitution a more enduring framework for state government.

3) Requiring that signatures for constitutional initiatives be gathered from each congressional district ensures that citizens from across the state support measures before they are placed on the ballot. Due to the relative ease of collecting signatures in heavily populated urban areas compared to sparsely populated rural areas, rural citizens may have a limited voice in determining which issues appear on the ballot.

4) Allowing the public and state legislators to comment on an initiative at a public meeting early in the process makes the review process more open and helps interest groups and voters gain a better understanding of the measure. It also helps proponents

1 identify potential problems, make sure that the measure clearly expresses their intent,
2 and avoid unintended consequences.

3 5) Limiting the ability of the legislature to change initiated statutes strikes a balance
4 between protecting initiated statutes and permitting the legislature to address problems
5 that may arise. The two-thirds legislative approval requirement is stringent enough to
6 protect voter intent, but still allows for non-controversial changes that clarify, correct, or
7 improve a statute.

8 **Arguments Against**

9 1) Referendum O makes it more difficult and expensive for citizens to exercise their
10 right to initiate constitutional changes. Constitutional initiatives are the best way for
11 citizens to set fundamental policies for the state because they take precedence over
12 statutes and cannot be changed without future voter approval. Requiring 22 percent
13 more signatures to qualify for the ballot restricts the public's ability to address issues
14 that the legislature, courts, and executive branch have not addressed to the public's
15 satisfaction or in which government officials have a vested interest.

16 2) The protections in Referendum O for statutory initiatives may not be sufficient to
17 preserve voter-approved statutes from changes by the legislature. With a two-thirds
18 vote, the legislature can overturn the decision of a majority of the state's voters almost
19 immediately. Further, after five years, the statute can be changed or repealed by
20 majority vote of the legislature.

21 3) The requirement to collect a certain number of signatures from each
22 congressional district could enable one part of the state to block a change favored by
23 the rest of the state. Also, it becomes more difficult to meet the signature requirement if
24 the number of congressional districts increases. Ultimately, if Colorado has more than
25 thirteen congressional districts, supporters of a constitutional change could have to
26 collect more signatures than an amount equal to six percent of all votes cast for
27 Governor to get on the ballot.

28 4) Requiring constitutional initiatives to be filed halfway through the legislative
29 session limits the ability of citizens to respond to action, or inaction, by the legislature on
30 issues of importance to the voters. This change puts citizens at a disadvantage
31 compared to the legislature, which can still propose competing alternatives or bills that
32 weaken an initiative.

33 5) Referendum O is an attempt to fix a perceived problem where none actually
34 exists. Making it more difficult to place a constitutional amendment on the ballot has no
35 impact on the quality or content of amendments adopted. Placing a measure on the
36 ballot is not the same as changing the constitution; it only gives people the ability to vote
37 on the issue. In fact, the voters have been rather selective about which constitutional
38 measures they approve: in the past 50 years, voters have rejected almost two-thirds of
39 all citizen-initiated constitutional amendments.

1 **Estimate of Fiscal Impact**

2 Requiring that signatures be collected from each congressional district for
3 constitutional initiatives will increase state costs to verify signatures. Costs are
4 estimated to increase at least \$40,200 in the 2010 budget year and \$106,000 in the
5 2011 budget year, but the actual increase will depend on the number of constitutional
6 initiatives submitted and the number requiring verification of each signature instead of a
7 random sampling of signatures.

**Referendum O
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3 initiative on the ballot, and increase the number of signatures required
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8 review earlier in the year;
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Arguments For

~~1) Laws sometimes need to be updated to keep pace with a changing world. Referendum O encourages citizens to propose statutory initiatives, which can be changed more easily than constitutional initiatives. Statutory initiatives preserve the citizens' right to initiate laws, while giving the legislature flexibility to react when laws require clarification or when problems or unforeseen circumstances arise.~~

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6 ~~protect voter intent, but still allows for non-controversial changes that clarify, correct, or~~
7 ~~improve a statute.~~

8 1. COLORADANS PLACE A HIGH VALUE ON THEIR RIGHT TO DIRECTLY VOTE ON LAWS THROUGH
9 THE STATE'S BALLOT INITIATIVE PROCESS. REFERENDUM O RESPECTS AND PROTECTS THIS
10 RIGHT, MAKING IT EASIER FOR VOTERS TO PUT PROPOSED NEW LAWS ON THE BALLOT BY
11 LOWERING THE SIGNATURE REQUIREMENT FOR PETITIONS. REFERENDUM O REQUIRES A
12 TWO-THIRDS MAJORITY OF THE LEGISLATURE TO CHANGE ANY LAW PASSED BY THE VOTERS
13 FOR FIVE YEARS, THUS ENSURING THAT THE WILL OF THE VOTERS CANNOT SIMPLY BE
14 DISREGARDED BY LEGISLATORS.

15 2. COLORADO HAS ONE OF THE EASIEST CONSTITUTIONS TO AMEND, RESULTING IN
16 COLORADO BEING A FAVORITE LOCATION FOR OUT-OF-STATE SPECIAL INTERESTS GROUPS
17 WITH SPECIFIC POLICY AGENDAS THAT DO NOT ALWAYS REFLECT COLORADO'S CITIZENS.

18 3. REFERENDUM O MAKES THE INITIATIVE PROCESS FAIRER BY REQUIRING THAT GROUPS
19 USING PETITION DRIVES FOR PROPOSED CONSTITUTIONAL AMENDMENTS COLLECT SIGNATURES
20 FROM EACH OF COLORADO'S SEVEN CONGRESSIONAL DISTRICTS. THIS WILL ENSURE THAT
21 SPECIAL INTERESTS FROM ONE PART OF THE STATE WON'T BE ABLE TO FORCE NARROW
22 POLITICAL AGENDAS ON THE REST OF THE STATE. GROUPS WILL STILL BE ABLE TO PETITION
23 PROPOSED CONSTITUTIONAL AMENDMENTS ON THE BALLOT; THEY JUST WON'T BE ABLE TO DO
24 IT WITHOUT MAKING THEIR CASE TO RESIDENTS IN VARIOUS PARTS OF THE STATE.

25 4. REFERENDUM O WILL LIMIT CLUTTER IN THE COLORADO CONSTITUTION BY RAISING THE
26 SIGNATURE REQUIREMENT FOR BALLOT THAT WOULD AMEND THE CONSTITUTION. BECAUSE
27 THERE'S CURRENTLY NO DIFFERENCE IN SIGNATURE REQUIREMENTS FOR BALLOT ISSUES THAT
28 AMEND AND THE CONSTITUTION AND THOSE THAT SIMPLY CHANGE THE LAW, BALLOT ISSUE
29 PROPONENTS IN COLORADO PROPOSE CONSTITUTIONAL AMENDMENTS MORE THAN
30 THREE-FOURTHS OF THE TIME.

31 5. ONCE LANGUAGE IS IN THE COLORADO CONSTITUTION, IT CAN NEVER BE CHANGED
32 WITHOUT ANOTHER VOTE OF THE PEOPLE. AS A RESULT, OBSOLETE, IRRELEVANT OR
33 CONFLICTING LANGUAGE CLUTTERS UP OUR STATE'S CONSTITUTION. REFERENDUM WILL
34 ADDRESS THIS PROBLEM BY MAKING THE SIGNATURE REQUIREMENT FOR CONSTITUTIONAL
35 AMENDMENTS HIGHER THAN THE CURRENT THRESHOLD FOR PUTTING PROPOSED NEW LAWS ON
36 THE BALLOT.

37 **Arguments Against**

38 1) Referendum O makes it more difficult and expensive for citizens to exercise their
39 right to initiate constitutional changes. Constitutional initiatives are the best way for
40 citizens to set fundamental policies for the state because they take precedence over
41 statutes and cannot be changed without future voter approval. Requiring 22 percent

1 more signatures to qualify for the ballot restricts the public's ability to address issues
2 that the legislature, courts, and executive branch have not addressed. ~~to the public's~~
3 ~~satisfaction or in which government officials have a vested interest.~~

4 2) The protections in Referendum O for statutory initiatives may not be sufficient to
5 preserve voter-approved statutes from changes by the legislature. With a two-thirds
6 vote, the legislature can overturn the decision of a majority of the state's voters ~~almost~~
7 ~~immediately~~. Further, after five years, the statute can be changed or repealed by
8 majority vote of the legislature.

9 3) The requirement to collect a certain number of signatures from each
10 congressional district could enable one part of the state to block a change favored by
11 the rest of the state. Also, it becomes more difficult to meet the signature requirement if
12 the number of congressional districts increases. Ultimately, if Colorado has more than
13 thirteen congressional districts, supporters of a constitutional change could have to
14 collect more signatures than an amount equal to six percent of all votes cast for
15 Governor to get on the ballot.

16 4) Requiring constitutional initiatives to be filed halfway through the legislative
17 session limits the ability of citizens to respond to action, or inaction, by the legislature on
18 issues of importance to the voters. This change puts citizens at a disadvantage
19 compared to the legislature, which can still propose competing alternatives or bills that
20 weaken an initiative.

21 5) Referendum O is an attempt to fix a perceived problem where none actually
22 exists. Making it more difficult to place a constitutional amendment on the ballot has no
23 impact on the quality or content of amendments adopted. Placing a measure on the
24 ballot is not the same as changing the constitution; it only gives people the ability to vote
25 on the issue. In fact, the voters have been rather selective about which constitutional
26 measures they approve: in the past 50 years, voters have rejected almost two-thirds of
27 all citizen-initiated constitutional amendments.

28 **Estimate of Fiscal Impact**

29 Requiring that signatures be collected from each congressional district for
30 constitutional initiatives will increase state costs to verify signatures. Costs are
31 estimated to increase at least \$40,200 in the 2010 budget year and \$106,000 in the
32 2011 budget year, but the actual increase will depend on the number of constitutional
33 initiatives submitted and the number requiring verification of each signature instead of a
34 random sampling of signatures.

Referendum O
CHANGES TO PETITION RIGHTS ~~Citizen-Initiated State Laws~~

1 **Referendum O proposes amending the Colorado Constitution to:**

- 2 ♦ decrease the number of signatures required to place a statutory
3 PETITION ~~initiative~~ on the ballot and increase the number of signatures
4 required to place a constitutional PETITION ~~initiative~~ on the ballot;
- 5 ♦ require THAT A SPECIFIED QUOTA ~~that eight percent~~ of signatures for
6 constitutional PETITIONS ~~initiatives~~ be gathered from each congressional
7 district;
- 8 ♦ require that drafts of proposed constitutional PETITIONS ~~initiatives~~ be
9 submitted for review earlier in the year THAN PRESENTLY REQUIRED;
- 10 ♦ extend the time period for collecting signatures for statutory PETITIONS
11 ~~initiatives~~; AND
- 12 ♦ ~~ALLOWS increase the number of votes required for the legislature to~~
13 AMEND, SUPERSEDE, OR REPEAL ~~change~~ a statutory PETITION AT ANY TIME,
14 BUT ~~initiative~~ for THE FIRST five years, THAT REQUIRES A 2/3RDS VOTE ~~after~~
15 ~~the statute takes effect~~; and
- 16 ♦ allow the public and state legislators to comment on proposed PETITIONS
17 AT A HEARING ON THE MEANING OF THE MEASURE, PRIOR TO SCHEDULING THE
18 HEARING AT WHICH A BALLOT TITLE MAY BE SET. ~~initiatives at a public~~
19 ~~meeting~~.

20 **Summary and Analysis**

21 In Colorado, citizens may propose new state laws or changes to existing laws
22 through the PETITION ~~initiative~~ process, ~~also known as the petition process~~. Under this
23 process, proposed laws are put on the ballot by citizens instead of being proposed
24 within the state legislature. PETITIONS ~~Initiatives~~ must be approved by voters to take
25 effect.

26 Citizens may initiate changes either to the state constitution or state statutes. In
27 general, the constitution defines the powers of the legislative, executive, and judicial
28 branches of government and contains the bill of rights. When conflicts arise between
29 the constitution and statutes, the constitution prevails. The constitution may be changed
30 only with approval of the state's voters at an election, and therefore is a more
31 permanent set of laws. Statutes, on the other hand, are more easily changed because,
32 EVEN IF THEY WERE VOTER-APPROVED, they do not need voter approval. They may be
33 amended through any of the following ways:

- 34 ♦ a bill passed by the state legislature and NOT VETOED ~~approved by the~~
35 governor;
- 36 ♦ a bill passed by the state legislature and approved by the voters; or
- 37 ♦ A PETITION ~~an initiative~~ approved by the voters.

1 Referendum O changes the requirements for proposing PETITIONS ~~initiated laws~~,
 2 making it easier to propose statutory PETITIONS ~~initiatives~~ and more difficult to propose
 3 constitutional PETITIONS ~~initiatives~~.

4 **Signature requirements.** To place A PETITION ~~an initiative~~ on the ballot, proponents
 5 must collect a certain number of INFORMATION, INCLUDING signatures, from registered
 6 voters. Currently, the signature requirements for constitutional and statutory measures
 7 are the same. Referendum O differentiates between the two types, requiring 50 percent
 8 more VALID PETITION ENTRIES ~~signatures~~ for constitutional PETITIONS ~~initiatives~~ than
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 12 ENTRIES ~~signatures~~ throughout the state. Table 1 compares the current PETITION
 13 signature requirements to those proposed by Referendum O.

14 **Table 1: Current and Proposed PETITION Signature Requirements**

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How many valid PETITION ENTRIES signatures are required to place an initiative on the ballot?	An amount equal to 5 percent of all votes cast for secretary of state at the most recent election; 76,047 VALID ENTRIES signatures required for 2008.	<u>Constitutional</u> - An amount equal to 6 percent of all votes cast for governor at the most recent election PLUS A QUOTA FROM EACH CONGRESSIONAL DISTRICT; 93,497 VALID ENTRIES signatures required for 2008, A 22 PERCENT INCREASE OVER EXISTING LAW. <u>Statutory</u> - An amount equal to 4 percent of all votes cast for governor at the most recent election; 62,331 VALID ENTRIES signatures required for 2008.
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35 **Review of DRAFTS OF PETITIONS FOR CONSTITUTIONAL AMENDMENTS. ~~initiatives~~.**
 36 Under current law, all PETITIONS ~~initiatives~~ must be submitted to the nonpartisan
 37 legislative staff for review. This review helps to ASCERTAIN THE PROPONENTS' INTENT, AND
 38 ensure that the PETITION'S ~~initiative's~~ wording expresses the proponents' intent. IT ALSO
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 23 ELECTION. ANY PETITION MAY AUTHORIZE LEGISLATIVE CHANGES WITHIN ITS OWN TEXT.
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 25 senators) to pass a bill changing an initiated statute within THE FIRST five years AFTER
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17 ~~The two-thirds legislative approval requirement is stringent enough to protect voter~~
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20 Arguments Against

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24 to set fundamental policies for the state because they take precedence over statutes
25 and cannot be changed without future voter approval. Requiring 22 percent more
26 signatures to qualify for the ballot restricts the public's ability to address issues that the
27 legislature, courts, and executive branch have not addressed to the public's satisfaction
28 or in which government officials have a vested interest, LIKE TAX LIMITS. THAT MEANS
29 ABOUT 150,000 SIGNATURES WOULD BE REQUIRED FOR A PETITION TO SURVIVE GOVERNMENT
30 SCRUTINY, RATHER THAN THE CURRENT 120,000 SIGNATURES. CITIZENS HAVE THE RIGHT TO
31 VOTE ON ANY SUBJECT, AND WITH ANY LEVEL OF SPECIFICITY.

32 2) The protections in Referendum O for statutory PETITIONS initiatives may not be
33 sufficient to preserve voter-approved statutes from changes by the legislature. With
34 ONLY 68 VOTES, ~~a two-thirds vote~~, the legislature can overturn the decision of ONE
35 MILLION OR MORE VOTERS A MERE TWO MONTHS AFTER THE ELECTION. ~~a majority of the~~
36 ~~state's voters almost immediately.~~ Further, after ONLY five years, the statute can be
37 changed or repealed by majority vote of IN the legislature ALONE.

38 3) The requirement to collect a certain number of signatures from each
39 congressional district could enable one part of the state to block a change favored by
40 the rest of the state. Also, it becomes more difficult to meet the signature requirement if
41 the number of congressional districts increases. Ultimately, THIS MEASURE MAKES IT
42 MATHEMATICALLY IMPOSSIBLE FOR CITIZENS TO PLACE CONSTITUTIONAL INITIATIVES ON THE

1 BALLOT IF THE STATE'S POPULATION GROWS LARGE ENOUGH TO INCLUDE THIRTEEN
2 CONGRESSIONAL DISTRICTS. ~~if Colorado has more than thirteen congressional districts,~~
3 ~~supporters of a constitutional change could have to collect more signatures than an~~
4 ~~amount equal to six percent of all votes cast for Governor to get on the ballot.~~

5 4) Requiring constitutional PETITIONS ~~initiatives~~ to be filed halfway through the
6 legislative session limits the ability of citizens to respond to action, or inaction, by the
7 legislature on issues of importance to the voters. This change puts citizens at a
8 disadvantage compared to the legislature, which can still propose competing
9 alternatives or bills TO UNDERCUT OR NULLIFY PETITIONS FILED BY CITIZENS. IT ALSO MAKES
10 IT HARDER TO ADDRESS ISSUES THAT NEED TO BE CONSTITUTIONAL, SUCH AS TAX LIMITS, TERM
11 LIMITS, REDISTRICTING, THE RIGHT TO PETITION, OR MANY OTHER ISSUES WHERE LEGISLATORS
12 HAVE A CONFLICT OF INTEREST THAT HAS PREVIOUSLY PREVENTED NEEDED REFORMS. ~~that~~
13 ~~weaken an initiative.~~

14 ~~— 5) Referendum O is an attempt to fix a perceived problem where none actually~~
15 ~~exists. Making it more difficult to place a constitutional amendment on the ballot has no~~
16 ~~impact on the quality or content of amendments adopted. Placing a measure on the~~
17 ~~ballot is not the same as changing the constitution; it only gives people the ability to vote~~
18 ~~on the issue. In fact, the voters have been rather selective about which constitutional~~
19 ~~measures they approve: in the past 50 years, voters have rejected almost two-thirds of~~
20 ~~all citizen-initiated constitutional amendments.~~

21 5) IF TABOR, TERM LIMITS, OR OTHER MEASURES POPULAR WITH THE VOTERS, BUT NOT
22 WITH THE LEGISLATURE, HAD BEEN STATUTORY PETITIONS, THEY WOULD BEEN REPEALED LONG
23 AGO. THEY ARE IN THE CONSTITUTION TO PROTECT THEM FROM POLITICAL ATTACK BY THOSE
24 WHOSE POWER "WE THE PEOPLE" ARE TRYING TO LIMIT.

25 6) REFERENDUM O CREATES A POLITICAL FORUM FOR ATTACKING CONSTITUTIONAL
26 AMENDMENTS, BUT NOT STATUTORY ONES. IT TWISTS THE PURPOSE OF MAKING A PUBLIC
27 RECORD OF THE DRAFTERS' INTENT, AND TURNS IT INTO A SOAPBOX FOR OPPONENTS, WHO
28 HAVE NO PERSONAL KNOWLEDGE OF THE MEASURE'S INTENT. THE PETITION PROCESS IS
29 LENGTHENED TO PROVIDE THIS FORUM FOR LEGISLATORS TO MAKE SPEECHES OF UNLIMITED
30 DURATION. THIS FORUM COULD GO ON FOR DAYS. OPPONENTS CAN MAKE A POLITICAL
31 SPECTACLE BY BRINGING HUNDREDS OF OBJECTORS. A DEBATE ON THE MERITS SHOULD NOT
32 BE PART OF THE TEXTUAL ANALYSIS OF A MEASURE.

33 Estimate of Fiscal Impact

34 Requiring that signatures be collected from each congressional district for
35 constitutional PETITIONS ~~initiatives~~ will GREATLY increase state costs to verify signatures.
36 SIGNATURES CAN BE ON ONE PETITION SECTION FROM A VARIETY OF CDS. RANDOM
37 SAMPLING WILL NOT LONGER BE POSSIBLE; EACH ENTRY WILL HAVE TO BE COUNTED
38 INDIVIDUALLY, LENGTHENING THE PROCESS AND RAISING THE COST. ~~Costs are estimated to~~
39 ~~increase at least \$40,200 in the 2010 budget year and \$106,000 in the 2011 budget~~
40 ~~year, but~~ The actual increase will depend on the number of constitutional PETITIONS
41 ~~initiatives~~ submitted and the number requiring verification of each signature instead of a
42 random sampling of signatures.

**Referendum O
Citizen-Initiated State Laws**

1 **Referendum O proposes amending the Colorado Constitution to:**

- 2 ♦ decrease the number of signatures required to place a statutory
3 initiative on the ballot, and increase the number of signatures required
4 to place a constitutional initiative on the ballot;
- 5 ♦ require that eight percent of signatures for constitutional initiatives be
6 gathered from each congressional district;
- 7 ♦ require that drafts of proposed constitutional initiatives be submitted for
8 review earlier in the year IN ORDER TO PROVIDE MORE TIME FOR REVIEW;
- 9 ♦ extend the time period for collecting signatures for statutory initiatives;
- 10 ♦ PROTECT CITIZEN-INITIATED STATUTES BY INCREASING ~~increase~~ the number
11 of votes required for the legislature to change a statutory initiative for
12 five years after the statute takes effect; and
- 13 ♦ allow the public and state legislators to comment on proposed initiatives
14 at a public meeting.

15 **Summary and Analysis**

16 In Colorado, citizens may propose new state laws or changes to existing laws
17 through the initiative process, also known as the petition process. Under this process,
18 proposed laws are put on the ballot by citizens instead of being proposed within the
19 state legislature. Initiatives must be approved by voters to take effect.

20 Citizens may initiate changes either to the state constitution or state statutes. In
21 general, the constitution defines the powers of the legislative, executive, and judicial
22 branches of government and contains the bill of rights. When conflicts arise between
23 the constitution and statutes, the constitution prevails. The constitution may be changed
24 only with approval of the state's voters at an election, and therefore is a more
25 permanent set of laws. Statutes, on the other hand, are more easily changed because
26 they do not need voter approval. They may be amended through any of the following
27 ways:

- 28 ♦ a bill passed by the state legislature and approved by the governor;
- 29 ♦ a bill passed by the state legislature and approved by the voters; or
- 30 ♦ an initiative approved by the voters.

31 ***Problem to be addressed by Referendum O.*** COLORADO HAS ONE OF, IF NOT THE,
32 EASIEST CONSTITUTIONS TO AMEND. COLORADO'S CONSTITUTION HAS BEEN AMENDED SO
33 MANY TIMES THAT IT IS NOW ONE OF THE LONGEST AND MOST COMPLEX CONSTITUTIONS OF
34 ANY STATE AND IS MANY TIMES LONGER THAN THE U.S. CONSTITUTION. THESE FREQUENT
35 AMENDMENTS HAVE PRODUCED SOME INTERNAL CONFLICTS IN THE CONSTITUTION AND HAVE
36 ADDED MANY PAGES OF DETAILED POLICY PROVISIONS THAT ARE VERY DIFFICULT TO CHANGE.

1 THE INCREASED NUMBER OF AMENDMENTS HAS LIMITED THE ABILITY OF THE LEGISLATURE TO
2 DEAL WITH SOME IMPORTANT POLICY AND FISCAL MATTERS.

3 Referendum O changes the requirements for proposing initiated laws, making it
4 easier to propose statutory initiatives and more difficult to propose constitutional
5 initiatives.

6 **Signature requirements.** To place an initiative on the ballot, proponents must
7 collect a certain number of signatures from registered voters. Currently, COLORADO HAS
8 ONE OF THE LOWEST SIGNATURE REQUIREMENTS OF ANY STATE AND the signature
9 requirements for constitutional and statutory measures are the same. Referendum O
10 differentiates between the two types, ~~requiring 50 percent more signatures for~~
11 ~~constitutional initiatives than statutory initiatives~~, REQUIRING STATUTORY INITIATIVES TO
12 HAVE ONLY 2/3 AS MANY SIGNATURES AS CONSTITUTIONAL INITIATIVES, giving proponents of
13 statutory initiatives an additional three months to collect signatures, and requiring
14 proponents of constitutional initiatives to collect signatures throughout the state. Table 1
15 compares the current signature requirements to those proposed by Referendum O.

16 **Table 1. Current and Proposed Signature Requirements**

Issue	Current Initiative Process	Referendum O Initiative Process
How many valid signatures are required to place an initiative on the ballot?	An amount equal to 5 percent of all votes cast for secretary of state at the most recent election; 76,047 signatures required for 2008.	<u>Constitutional</u> - An amount equal to 6 percent of all votes cast for governor at the most recent election; 93,497 signatures required for 2008. <u>Statutory</u> - An amount equal to 4 percent of all votes cast for governor at the most recent election; 62,331 signatures required for 2008.
Where must signatures be collected?	Anywhere in the state.	<u>Constitutional</u> - At least 8 percent of the minimum required number of signatures must be collected from each congressional district; 7,480 signatures required from each of the 7 congressional districts (52,360 of the 93,497 total required signatures) for 2008. <u>Statutory</u> - No change
What is the maximum time allowed for collecting signatures?	6 months	<u>Constitutional</u> - No change <u>Statutory</u> - 9 months

36 **Review of initiatives.** Under current law, all initiatives must be submitted to the
37 nonpartisan legislative staff for review. This review helps to ensure that the initiative's
38 wording expresses the proponents' intent and notifies the public that an initiative has
39 been submitted. The staff prepare written comments that address the wording, intent,
40 and purpose of the initiative and discuss those comments at a meeting with the
41 proponents. Currently, the public may attend the meeting, but may not testify.
42 Referendum O requires that constitutional initiatives be submitted to legislative staff
43 earlier than statutory initiatives and that an opportunity for public comment be provided

1 at the meeting. Table 2 compares the current and proposed process for reviewing
 2 initiatives.

3 **Table 2. Current and Proposed Review Procedures**

Issue	Current Initiative Process	Referendum O Initiative Process
5 What is the deadline for 6 submitting the text of 7 initiatives for review? 8	The date changes annually, but generally falls in the second half of April; April 25 for the 2008 election.	<u>Constitutional</u> - No later than the 60th day of the legislative session prior to the election; March 8 for the 2008 election. <u>Statutory</u> - No change
9 When must staff provide 10 written comments and 11 hold a public meeting? 12	Within 2 weeks after the measure is submitted	Written comments must be provided to proponents within 2 weeks and the meeting must be held within 3 weeks after the measure is submitted.
13 Who may provide 14 comments at the 15 meeting?	Only legislative staff and proponents	Members of the public and state legislators, as well as proponents and legislative staff

16 **Protection for statutory initiatives.** Under current law, once a statutory initiative is
 17 passed by the voters, the legislature can pass a bill at any time to change that statute
 18 with a majority vote (33 representatives and 18 senators). Referendum O requires a
 19 two-thirds vote OF ALL MEMBERS in the legislature (44 representatives and 24 senators) to
 20 pass a bill changing an initiated statute within five years of the statute taking effect.

21 **Arguments For**

22 1) Laws sometimes need to be updated to keep pace with a changing world.
 23 CONSTITUTIONS ARE NOT THE RIGHT PLACE TO PUT STATUTORY POLICY BECAUSE THEY ARE
 24 EXTREMELY HARD TO CHANGE, EVEN WHEN EVENTS REQUIRE NEW APPROACHES. Referendum
 25 O encourages citizens to propose statutory initiatives, which can be changed more
 26 easily than constitutional initiatives. Statutory initiatives preserve the citizens' right to
 27 initiate laws, while giving the legislature flexibility to react when laws require clarification
 28 or when problems or unforeseen circumstances arise.

29 2) COLORADO CURRENTLY HAS ONE OF, IF NOT THE, LOWEST SIGNATURE REQUIREMENTS
 30 FOR AMENDING THE CONSTITUTION OF ANY STATE. Because the requirements for proposing
 31 constitutional initiatives are no different than the requirements for proposing statutory
 32 initiatives, the constitution is susceptible to detailed provisions that cannot be changed
 33 without another election. AS A RESULT, COLORADO CURRENTLY HAS ONE OF THE LONGEST
 34 CONSTITUTIONS OF ANY STATE; A CONSTITUTION CONTAINING CONFLICTING PROVISIONS AND
 35 FILLED WITH DETAILED POLICY MINUTIA THAT HAMSTRINGS THE LEGISLATURE TRYING TO
 36 RESPOND TO TODAY'S ISSUES. Placing detailed provisions in the constitution limits the
 37 ability of the legislature to address policy and fiscal matters. Requiring more signatures
 38 for constitutional initiatives makes it more difficult to initiate constitutional amendments,
 39 which may make the Colorado Constitution a more enduring framework for state
 40 government.

1 3) COLORADO'S CONSTITUTION AFFECTS EVERYONE IN THE STATE, NOT JUST THOSE
2 LIVING IN POPULOUS AREAS. Requiring that signatures for constitutional initiatives be
3 gathered from each congressional district ensures that citizens from across the state
4 support measures before they are placed on the ballot. Due to the relative ease of
5 collecting signatures in heavily populated urban areas compared to sparsely populated
6 rural areas, rural citizens may have a limited voice in determining which issues appear
7 on the ballot.

8 4) CURRENTLY, THE INITIATIVE PROCESS IS CONTROLLED BY THE SPECIAL INTEREST
9 PROPOSING THE INITIATIVE. AVERAGE CITIZENS HAVE NO ABILITY TO COMMENT ON A
10 PROPOSED INITIATIVE BEFORE IT GETS TO THE BALLOT. Allowing the public and state
11 legislators to comment on an initiative at a public meeting early in the process makes
12 the review process more open and helps interest groups and voters gain a better
13 understanding of the measure. It also helps proponents identify potential problems,
14 make sure that the measure clearly expresses their intent, and avoid unintended
15 consequences.

16 5) Limiting the ability of the legislature to change initiated statutes strikes a balance
17 between protecting initiated statutes and permitting the legislature to address problems
18 that may arise. The two-thirds legislative approval requirement is stringent enough to
19 protect voter intent, but still allows for non-controversial changes that clarify, correct, or
20 improve a statute.

21 **Arguments Against**

22 1) Referendum O makes it more difficult and expensive for citizens to exercise their
23 right to initiate constitutional changes. Constitutional initiatives are the best way for
24 citizens to set fundamental policies for the state because they take precedence over
25 statutes and cannot be changed without future voter approval. Requiring 22 percent
26 more signatures to qualify for the ballot restricts the public's ability to address issues
27 that the legislature, courts, and executive branch have not addressed to the public's
28 satisfaction or in which government officials have a vested interest.

29 2) The protections in Referendum O for statutory initiatives may not be sufficient to
30 preserve voter-approved statutes from changes by the legislature. With a two-thirds
31 vote, the legislature can overturn the decision of a majority of the state's voters almost
32 immediately. Further, after five years, the statute can be changed or repealed by
33 majority vote of the legislature.

34 3) The requirement to collect a certain number of signatures from each
35 congressional district could enable one part of the state to block a change favored by
36 the rest of the state. Also, it becomes more difficult to meet the signature requirement if
37 the number of congressional districts increases. Ultimately, if Colorado has more than
38 thirteen congressional districts, supporters of a constitutional change could have to
39 collect more signatures than an amount equal to six percent of all votes cast for
40 Governor to get on the ballot.

41 4) Requiring constitutional initiatives to be filed halfway through the legislative
42 session limits the ability of citizens to respond to action, or inaction, by the legislature on

1 issues of importance to the voters. This change puts citizens at a disadvantage
2 compared to the legislature, which can still propose competing alternatives or bills that
3 weaken an initiative.

4 5) Referendum O is an attempt to fix a perceived problem where none actually
5 exists. Making it more difficult to place a constitutional amendment on the ballot has no
6 impact on the quality or content of amendments adopted. Placing a measure on the
7 ballot is not the same as changing the constitution; it only gives people the ability to vote
8 on the issue. In fact, the voters have been rather selective about which constitutional
9 measures they approve: in the past 50 years, voters have rejected almost two-thirds of
10 all citizen-initiated constitutional amendments.

11 **Estimate of Fiscal Impact**

12 Requiring that signatures be collected from each congressional district for
13 constitutional initiatives will increase state costs to verify signatures. Costs are
14 estimated to increase at least \$40,200 in the 2010 budget year and \$106,000 in the
15 2011 budget year, but the actual increase will depend on the number of constitutional
16 initiatives submitted and the number requiring verification of each signature instead of a
17 random sampling of signatures.

Elena Nunez, Common Cause

Referendum O Citizen-Initiated State Laws

1 **Referendum O proposes amending the Colorado Constitution to:**

- 2 ♦ decrease the number of signatures required to place a statutory
3 initiative on the ballot, and increase the number of signatures required
4 to place a constitutional initiative on the ballot;
- 5 ♦ require that eight percent of signatures for constitutional initiatives be
6 gathered from each congressional district;
- 7 ♦ require that drafts of proposed constitutional initiatives be submitted for
8 review earlier in the year;
- 9 ♦ extend the time period for collecting signatures for statutory initiatives;
- 10 ♦ increase the number of votes required for the legislature to change a
11 statutory initiative for five years after the statute takes effect; and
- 12 ♦ allow the public and state legislators to comment on proposed initiatives
13 at a public meeting.

14 **Summary and Analysis**

15 In Colorado, citizens may propose new state laws or changes to existing laws
16 through the initiative process, also known as the petition process. Under this process,
17 proposed laws are put on the ballot by citizens instead of being proposed within the
18 state legislature. Initiatives must be approved by voters to take effect.

19 Citizens may initiate changes either to the state constitution or state statutes. In
20 general, the constitution defines the powers of the legislative, executive, and judicial
21 branches of government and contains the bill of rights. When conflicts arise between
22 the constitution and statutes, the constitution prevails. The constitution may be changed
23 only with approval of the state's voters at an election, and therefore is a more
24 permanent set of laws. Statutes, on the other hand, are more easily changed because
25 they do not need voter approval. They may be amended through any of the following
26 ways:

- 27 ♦ a bill passed by the state legislature and approved by the governor;
- 28 ♦ a bill passed by the state legislature and approved by the voters; or
- 29 ♦ an initiative approved by the voters.

30 Referendum O changes the requirements for proposing initiated laws, making it
31 easier to propose statutory initiatives and more difficult to propose constitutional
32 initiatives.

Signature requirements. To place an initiative on the ballot, proponents must collect a certain number of signatures from registered voters. Currently, the signature requirements for constitutional and statutory measures are the same. Referendum O differentiates between the two types, requiring 50 percent more signatures for constitutional initiatives than statutory initiatives, giving proponents of statutory initiatives an additional three months to collect signatures, and requiring proponents of constitutional initiatives to collect signatures throughout the state. Table 1 compares the current signature requirements to those proposed by Referendum O.

Table 1. Current and Proposed Signature Requirements

Issue	Current Initiative Process	Referendum O Initiative Process
How many valid signatures are required to place an initiative on the ballot?	An amount equal to 5 percent of all votes cast for secretary of state at the most recent election; 76,047 signatures required for 2008.	<u>Constitutional</u> - An amount equal to 6 percent of all votes cast for governor at the most recent election; 93,497 signatures required for 2008. <u>Statutory</u> - An amount equal to 4 percent of all votes cast for governor at the most recent election; 62,331 signatures required for 2008.
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What is the maximum time allowed for collecting signatures?	6 months	<u>Constitutional</u> - No change <u>Statutory</u> - 9 months

Review of initiatives. Under current law, all initiatives must be submitted to the nonpartisan legislative staff for review. This review helps to ensure that the initiative's wording expresses the proponents' intent and notifies the public that an initiative has been submitted. The staff prepare written comments that address the wording, intent, and purpose of the initiative and discuss those comments at a meeting with the proponents. Currently, the public may attend the meeting, but may not testify. Referendum O requires that constitutional initiatives be submitted to legislative staff earlier than statutory initiatives and that an opportunity for public comment be provided at the meeting. Table 2 compares the current and proposed process for reviewing initiatives.

1

Table 2. Current and Proposed Review Procedures

2

Issue	Current Initiative Process	Referendum O Initiative Process
3 4 5 6 What is the deadline for submitting the text of initiatives for review?	The date changes annually, but generally falls in the second half of April; April 25 for the 2008 election.	<u>Constitutional</u> - No later than the 60th day of the legislative session prior to the election; March 8 for the 2008 election. <u>Statutory</u> - No change
7 8 9 10 When must staff provide written comments and hold a public meeting?	Within 2 weeks after the measure is submitted	Written comments must be provided to proponents within 2 weeks and the meeting must be held within 3 weeks after the measure is submitted.
11 12 13 Who may provide comments at the meeting?	Only legislative staff and proponents	Members of the public and state legislators, as well as proponents and legislative staff

14

Protection for statutory initiatives. Under current law, once a statutory initiative is passed by the voters, the legislature can pass a bill at any time to change that statute with a majority vote (33 representatives and 18 senators). Referendum O requires a two-thirds vote in the legislature (44 representatives and 24 senators) to pass a bill changing an initiated statute within five years of the statute taking effect.

19

Arguments For

20

1) Laws sometimes need to be updated to keep pace with a changing world. Referendum O encourages citizens to propose statutory initiatives, which can be changed ~~more easily than constitutional initiatives~~ WITH A SUPERMAJORITY VOTE BY THE LEGISLATURE. Statutory initiatives preserve the citizens' right to initiate laws, ~~while giving~~ AND MAY GIVE the legislature flexibility to react when laws require clarification or when problems or unforeseen circumstances arise.

26

2) Because the requirements for proposing constitutional initiatives are no different than the requirements for proposing statutory initiatives, AND BECAUSE OF OTHER FACTORS SUCH AS LEGISLATIVE ACTION OR INACTION, SUBJECT MATTER, OR PROPONENTS' BELIEF THAT A MEASURE IS APPROPRIATE FOR THE CONSTITUTION, the constitution is susceptible to detailed provisions that cannot be changed without another election. Placing detailed provisions in the constitution limits the ability of the legislature to address policy and fiscal matters. Requiring more signatures for constitutional initiatives makes it more difficult to initiate constitutional amendments. ~~which may make the Colorado Constitution a more enduring framework for state government.~~

35

3) Requiring that signatures for constitutional initiatives be gathered from each congressional district ensures that citizens from across the state support measures before they are placed on the ballot. Due to the relative ease of collecting signatures in heavily populated urban areas compared to sparsely populated rural areas, rural citizens may have a limited voice in determining which issues appear on the ballot.

Elena Nunez, Common Cause

1 4) Allowing the public and state legislators to comment on an initiative at a public
2 meeting early in the process makes the review process more open and helps interest
3 groups and voters gain a better understanding of the measure. It also helps proponents
4 identify potential problems, make sure that the measure clearly expresses their intent,
5 and avoid unintended consequences.

6 5) Limiting the ability of the legislature to change initiated statutes strikes a balance
7 between protecting initiated statutes and permitting the legislature to address problems
8 that may arise. The two-thirds legislative approval requirement is stringent enough to
9 protect voter intent, but still allows for non-controversial changes that clarify, correct, or
10 improve a statute.

11 **Arguments Against**

12 1) Referendum O makes it more difficult and expensive for citizens to exercise their
13 right to initiate constitutional changes, BUT WILL NOT STOP WEALTHY SPECIAL INTERESTS
14 FROM PROPOSING CONSTITUTIONAL AMENDMENTS. Constitutional initiatives are the best
15 way for citizens to set fundamental policies for the state because they take precedence
16 over statutes and cannot be changed without future voter approval. Requiring 22
17 percent more signatures to qualify for the ballot restricts the public's ability to address
18 issues that the legislature, courts, and executive branch have not addressed to the
19 public's satisfaction or in which government officials have a vested interest.

20 2) The protections in Referendum O for statutory initiatives may not be sufficient to
21 preserve voter-approved statutes from changes by the legislature. With a two-thirds
22 vote, the legislature can overturn the decision of a majority of the state's voters almost
23 immediately. Further, after five years, the statute can be changed or repealed by
24 majority vote of the legislature.

25 3) The requirement to collect a certain number of signatures from each
26 congressional district could enable one part of the state to block a change favored by
27 the rest of the state. Also, it becomes more difficult to meet the signature requirement if
28 the number of congressional districts increases. Ultimately, if Colorado has more than
29 thirteen congressional districts, supporters of a constitutional change could have to
30 collect more signatures than an amount equal to six percent of all votes cast for
31 Governor to get on the ballot.

32 4) Requiring constitutional initiatives to be filed halfway through the legislative
33 session limits the ability of citizens to respond to action, or inaction, by the legislature on
34 issues of importance to the voters. This change puts citizens at a disadvantage
35 compared to the legislature, which can still propose competing alternatives or bills that
36 weaken an initiative.

37 5) Referendum O is an attempt to fix a perceived problem where none actually
38 exists. Making it more difficult to place a constitutional amendment on the ballot has no
39 impact on the quality or content of amendments adopted. Placing a measure on the
40 ballot is not the same as changing the constitution; it only gives people the ability to vote
41 on the issue. In fact, the voters have been rather selective about which constitutional

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1 measures they approve: in the past 50 years, voters have rejected almost two-thirds of
2 all citizen-initiated constitutional amendments.

3 **Estimate of Fiscal Impact**

4 Requiring that signatures be collected from each congressional district for
5 constitutional initiatives will increase state costs to verify signatures. Costs are
6 estimated to increase at least \$40,200 in the 2010 budget year and \$106,000 in the
7 2011 budget year, but the actual increase will depend on the number of constitutional
8 initiatives submitted and the number requiring verification of each signature instead of a
9 random sampling of signatures.

ANDERSON, ROBERTS, BURKHOLDER, MORRISON COMMENTS ON LAST DRAFT OF REFERENDUM O

To: Legislative Council Staff
From: Sen. Norma Anderson, Rep. Ellen Roberts, Steve Burkholder, Brenda Morrison and the Ref. O Coalition
Date: August 4, 2008
Re: Blue Book

Below you will find our suggested changes to the Blue Book. You will note that after some more thought, that we have reorganized our thoughts under Arguments For. Please consider our suggestions, as we feel that these revisions will make this "process" initiative easier to understand for voters. Thank you in advance.

Page 1

Line 22: The constitution *is meant to provide broad policy* and changed only with approval of the state's voters at an election. ~~and therefore is a more permanent set of laws.~~

Line 29: ~~When conflicts arise between the constitution and statutes, the constitution prevails.~~

Page 2

Line 4: Strike 50 percent. It is not clear how you arrive at that number.

Line 34: *Currently*, the public may attend...

Page 3

Line 17: ...Referendum O requires a two-thirds vote in the legislature (44 representatives and 24 senators ~~to pass a bill~~ *to change an initiated* statute within five years...

Arguments For:

- 1. Coloradans place a high value on their right to directly vote on laws through the state's ballot initiative process. Referendum O respects and protects this right, making it easier for voters to put proposed new laws on the ballot by lowering the signature requirement for petitions. Referendum O requires a two-thirds majority of the legislature to change any law passed by the voters for five years, thus ensuring that the will of the voters cannot simply be disregarded by legislators*
- 2. Colorado has one of the easiest constitutions to amend, resulting in Colorado being a favorite location for out-of-state special interests groups with specific policy agendas that do not always reflect Colorado's citizens.*

3. *Referendum O makes the initiative process fairer by requiring that groups using petition drives for proposed constitutional amendments collect signatures from each of Colorado's seven congressional districts. This will ensure that special interests from one part of the state won't be able to force narrow political agendas on the rest of the state. Groups will still be able to petition proposed constitutional amendments on the ballot; they just won't be able to do it without making their case to residents in various parts of the state.*
4. *Referendum O will limit clutter in the Colorado Constitution by raising the signature requirement for ballot that would amend the constitution. Because there's currently no difference in signature requirements for ballot issues that amend and the constitution and those that simply change the law, ballot issue proponents in Colorado propose constitutional amendments more than three-fourths of the time.*
5. *Once language is in the Colorado Constitution, it can never be changed without another vote of the people. As a result, obsolete, irrelevant or conflicting language clutters up our state's constitution. Referendum will address this problem by making the signature requirement for constitutional amendments higher than the current threshold for putting proposed new laws on the ballot.*

Page 4

Arguments Against:

1. Strike Line 12: ~~Referendum O limits the ability of citizens to amend the constitution.~~ The Constitution is the only set of laws....Constitutional initiatives....They also allow.....
Line 16: ~~to the public satisfaction.~~ Requiring 22 percent (please explain the math to voter).
2. Line 22: Strike ~~almost immediately.~~ Line 22 strike ~~only.~~
3. Line 27-29: Please explain to the voter how the math works...

REPRESENTATIVE BRUCE'S COMMENTS ON LAST DRAFT OF REFERENDUM 0

SINCE YOU REQUESTED REPETITION OF ALL ARGUMENTS MADE, HERE THEY ARE--

FIRST

EXCERPTS FROM FLOOR SPEECH ON MAY 6, 2008--these arguments should be summarized in Arguments Against to the extent they are not now.

We often hear that constitutional amendments from the general assembly are better than those from citizen groups because of our careful drafting, committee review, and public testimony. But 003 had a three-page major revision yesterday afternoon—one of five alternate amendment drafts the sponsor prepared, and now we are voting the next morning on final passage of this giant sausage without that further review or analysis.

On Friday, the majority leader said, “We are restricting the right of the people to petition the government.” I admire her candor about this 23% increase in required signatures and other new burdens, but please think about that admission. Is that why you came here—to limit the constitutional rights of the voters who sent you?

Another sponsor testified in committee that our constitution was like a roll of toilet paper. He listed many amendments HE disliked, but voters had approved. NOTHING in this measure will improve the content of any petition. It will ensure only that grassroots citizen petitions are smothered by this onerous process. The pig farm restriction, caucus abolition, right to work, term limits, and election day registration petitions were all sponsored by millionaires. Most lost. 003 wouldn't have stopped ANY of them from making the ballot. It is not our proper role to punish voters.

No petition ever changed anything. A petition only gives citizens the right to vote on ballot issues. Do not take away people's rights to petition and thus to vote because you disagree with their judgment. That is not tolerance or diversity, or the liberal attitude. It is, rather, an affront to the First Amendment, and to the state constitution we all swore to uphold.

We are told we have too many constitutional amendments. Ironically, the solution offered is yet another constitutional amendment, with its own unintended consequences. 63% of amendments passed by voters came from the general assembly, but 003 imposes no limit on that source—us—it only handcuffs the people we came here to serve. If the real goal is to limit the number of constitutional amendments, and not the right to petition, why was the General Assembly left out of the controls?

Consider your election message. “Constitutional petitions are bad, but first please vote for those now on the ballot, BUT THEN vote to pull up the ladder against anyone else trying to let you vote on any such petitions in the future, even to correct alleged problems in previous petitions.

No group is going to spend a year or two, and possibly a million dollars or more, to pass a statutory petition in November that can be repealed by 68 politicians the next January, or by 51 in a few years. 68

politicians overriding one million or more voters in the name of representative government; what a concept. The constitution is the people's way to control us. That is why we must swear to obey it—all of

it, all the time, even the parts we don't like--not to twist it to take away the people's God-given rights. We spend all session controlling them, bill after bill, and now it is proposed to strangle even the checks and balances in our system that let the public reform their own government.

What does our state's Bill of Rights say? The very first section, after the boundaries are stated, says, "All political power is vested in and derived from the people." That means "We the people," not "We the politicians."

The second section says, "The people of this state have the sole and exclusive right of governing themselves...and to alter and abolish their constitution and form of government whenever they may deem it necessary to their safety and happiness..." That concept was drawn from our Declaration of Independence. Were the Founding Fathers wrong?

FIRST MAJOR CHANGE

One change yesterday was to require 8% of the signatures from each congressional district, and repeal the total cap on geographic distribution. So we would require 8% quotas from each of seven districts, or 56% of total signatures. As Colorado grows, and gains another congressional district, it will be 64%, then 72%, 80%, etc. At some point, we may have over 100% of the signatures required to come from specific congressional districts, and then the right to petition will be a numerical impossibility.

Geographic distribution treats citizens differently by giving their signatures great or little weight depending on where they live. It violates the fundamental democratic principle called "one person, one vote." We do not require it in candidate voting, or legislation, nor even for a statewide statutory petition. Why here? Why now?

This new petition process will gradually restrict citizen rights more and more, like a boa constrictor. That process will no longer be available to reverse this error. Freedom and self-government will be smothered. Is that a proper legacy or epitaph? "She helped to end our right to petition." Or "He saved us from voting."

SECOND MAJOR CHANGE

Another change warps the hearing designed to record legislative intent into a political confrontation where opponents can try to stop a petition by staging a well-publicized verbal protest. Even legislators are specifically invited, and can also hold tax-paid hearings to attack petitions they dislike. That is an abuse of our power, and a misuse of public funds to campaign against petitions before and after they make the ballot. Opponents could

filibuster by bringing in streams of opponents to rant against a petition draft, and tie it up for weeks or months. There is no deadline on the length of this constitutionally-mandated spectacle.

THIRD MAJOR CHANGE

A third change yesterday says some petitions must be filed by the 60th day of the session. That means there can be no timely accountability or effective citizen response to legislative action. Also, if a petition is filed by the deadline, and then the analysis shows room for improvement, the deadline has passed. Citizens may continue with measures known to be defective because this artificial deadline prevents improving them.

FOURTH MAJOR CHANGE

A fourth change yesterday took away ALL rights to petition for an election in odd-numbered years, even for a tax increase like the tobacco tax petition. Look at the legislative history removing the odd year provision. Is cutting the right to petition in half and allowing statutory or constitutional petitions only in even-numbered years something to be proud of? This amendment is later than TABOR, and would prevail in a conflict. Is taking away all odd-year elections by petition on TABOR ballot issues the kind of attack on voting you want, or just another unintended consequence? TABOR allowed annual ballot issue elections on ANY subject, and the supreme court took that away already.

And if statutory petitions are so well locked in from impulsive legislative repeal, and so hard to change, why do these burdens and higher standards apply only to constitutional petitions?

003 is not about giving voters a true choice, unless it be between liberty and slavery. People shouldn't have to drop what they are doing, raise money, and campaign just to protect their existing rights from assaults proposed by their own government.

How often have you urged citizens to get involved in the process? This measure sends the opposite message—"Go away, kid, you bother me."

Or, "Don't bother to try again to reform the government; the deck is stacked against you, and even if you win, we will undo your victory."

We did it to you by tinkering with statutory campaign finance reform, and statutory lotto for parks programs. Our past eviscerations were replaced by the voters with constitutional amendments, but now you can no longer respond to our gutting your petition because constitutional amendments have become impossible, except for the super rich."

THIS is the most important vote you will cast because it strikes at the HEART of our system of government. Will you vote for freedom and the rule of law, or for just another political power grab?

SECOND

1. Please incorporate the points made in the four-page article I distributed to members on the last day of the session.
2. The title should be Changes to Petition Rights. People don't recognize the word "initiative" and these changes are not all procedural. E.g. a 23% increase in signatures is a substantive change in the right to petition, not just HOW signatures are collected, filed, etc.
3. Change every use of "initiative" to "petition."
4. Change bullet 3 to "require a specified quota of signatures for...."
5. Bullet 4 is incorrect. 003 reduces the time available to start a Con Am. The filing deadline is still 3 months before the election, or six months after a title is set. 003 sets a black out period during which a Con Am petition cannot begin.
6. Change bullet 6 to, "allows the legislature to repeal statutory petitions at any time, but for the first five years, that requires a 2/3rds vote.
7. Drop bullet 7, which is not a major feature. Anyone may comment now, so it is misleading to say this is a change.
8. Line 18--"changes either to the..." avoids a split infinitive
9. Line 19--misplaced modifier--"may be changed ONLY with approval..." Also, "at an election" is redundant to "voters."
10. Line 24--add, "even if the original measure was approved by voters." That is critical to understanding 003.
11. Throughout, the better term is "petition entries" or "entries," since more than a signature is required.
12. Page 2, line 3-4--" in two-thirds the time" is more specific. Also, "requires a quota of entries be obtained from each state geographic region."
13. Line 9--How many VALID ENTRIES are required.....Also change right hand two boxes to say VALID ENTRIES. You should also add that 50% more entries than the legal minimum are filed to offset rejections of entries by the government
14. Line 12---"93,457 signatures required for 2008, a 23% increase in the burden to citizens
15. Lines 17-23--add "and an additional 8 percent from each new congressional district"

16. Line 28--"helps to ascertain the proponent's intent, and ensure....expresses that intent. It also notifies..." The hearing is part of the legislative history, not just a course in standard drafting practices.

ARGUMENTS FOR

17. Page 3, line 24--same problem with "only"-- can be voted only ONLY every two years.

18. Line 31-33--delete this sentence. There is no proof of the "ease" of collecting signatures in urban areas; that is false. Also, people seldom learn of petitions from circulation at the local market. There is the review and comment process, media, website, blue book, etc. Also, signatures will still be collected in the biggest urban area of each congressional district. 003 does not force collection in small towns.

19. Argument 4) is bogus. Legislators and the public may comment any time they want NOW. They may contact proponents NOW. This "reform" simply gives opponents a soap box to attack proposals with which they disagree. Hearings could be prolonged and complicated. Minor parliamentary errors could lead to litigation to block or invalidate a petition drive on the grounds that the meeting was flawed. Allowing opponents to speak does not improve their understanding of the measure; listening to proponents does. Opponents may suggest questions to staff NOW for the review and COMMENT hearing.

20. Page 4, line 1--"Requiring 68 votes in the legislature to change.... People need to know what a flimsy limit this is.

21. Line 3--there is NO "two-thirds VOTER approval requirement." You mean "legislative."

22, Line 5--add "without asking the voters to approve the change at a future election." Also, "Any petition may authorize legislative changes within its own text," which would be another alternative to an election or a total legislative repeal.

Argument Against

23, On line 7, begin, "A sponsor of this measure (Madden) said on the House floor, "We are restricting the right of the people to petition the government." (That was the last Friday of the session, when her amendments were laid over to Monday. I have the CD.) It is the stated intent of supporters to restrict the citizens' right to petition the government under the First Amendment and the state constitution.

23, On line 10, it is more readable to say, "people. Citizens have the right to vote on any subject, and with any level of specificity." Change "technical details," which is the PROPONENTS' claim, to "Placing limits in the constitution..."

24. Change line 16 to "Plus, with only 68 votes, the legislature can override the will of one million or more voters a mere two months after the election."

25. Line 18-- change "effectively veto" to "block" and insert "large" before "majority."

26. Line 20 "district will increase the burden on citizens as the state grows, and make it mathematically impossible to petition for any constitutional amendment once state population grows to include 13 congressional districts."

27. Line 25--"propose measure to undercut or nullify petitions filed by citizens."

28. Line 27--legislature. It also makes it harder to address issues that need to be constitutional, such as tax limits, term limits, redistricting, the right to petition, or many other issues where legislators have a conflict of interest that has previously prevented needed reforms...

29. DELETE #5. That is a BOGUS argument. The limit on legislators is a sham. Protecting petitions is NOT about empowering politicians!

30 Line 39--Add "There will have to be seven verification procedures--one for each congressional district--and more as the state gains new congressional districts. That cost will be much greater and increase the complexity and time spent on signature collection and verification. This would also prevent the current use of statistical review by random sampling.

Please share #30 with the secretary of state and ask them to revise their estimate. How much more would each petition review cost?

THIRD

1. Your most serious flaw is repeatedly using a term unfamiliar to voters--"initiative." CALL THEM PETITIONS. You are failing in your duty to advise voters of this attack on the PETITION process. The state and federal bill of rights mention the right to PETITION, not the right to initiative. That includes the title of your draft, and every misuse that follows.

2. The fourth diamond should say "require that DRAFTS FOR PROPOSED constitutional amendments be submitted FOR REVIEW earlier in the year THAN PRESENTLY REQUIRED." This is not about the filing deadline for signatures, which is unchanged.

3. The sixth diamond should insert "amend, SUPERSEDE, OR REPEAL.. statutory PETITION DURING THE FIRST five years after its passage."

4. The seventh diamond should say "...and LEGISLATORS..." since the legislature itself cannot participate in the hearing. End with "proposed PETITIONS AT A HEARING ON THE MEANING OF THE MEASURE, PRIOR TO SCHEDULING THE HEARING AT WHICH A BALLOT TITLE MAY BE SET." Everyone has a right to comment on petitions right now. You make this sound like a grant of the right to free speech; highly misleading.

5. Line 21--add "because, EVEN IF THEY WERE VOTER-APPROVED, they may..."
6. Line 23-24--change "signed into law" to "not vetoed" to be accurate.

PAGE TWO

7. Line 5-- insert "FIFTY PERCENT more signatures"
8. Line 6--"In addition, REFERENDUM O REQUIRES THAT proponents..."
This is not current law.
- 9, Lines 10-17, third box "93,497 signatures required for 2008, A 22% INCREASE over existing law."
10. Lines 18-24, third box, "for 2008, OR A TOTAL OF 52,360 SIGNATURES BASED ON A GEOGRAPHICAL QUOTA."
11. Line 37--"reviewing DRAFTS OF PETITIONS FOR CONSTITUTIONAL AMENDMENTS." It does not apply to statutory petitions.
12. Line 29--should be headed "Review of DRAFTS OF PETITIONS FOR CONSTITUTIONAL AMENDMENTS."

PAGE THREE

13. Line 1--"Procedures FOR DRAFTS OF PETITIONS FOR CONSTITUTIONAL AMENDMENTS."
14. Lines 11-13, third box--"members" does not clearly refer to "the legislature" as well as "the public"-- say "legislators."
15. Line 15--"can AMEND, SUPERSEDE, OR REPEAL..."
16. Line 17--"for THE FIRST five years AFTER PASSAGE..." If a section of a Con Am takes effect three years after voter approval, it does not limit the legislature from changing that for eight years after the election.
17. Lines 14-19--what if the bill to change a petition gets a two- thirds vote, but is repealed by the governor, and the veto is sustained? Does Ref. O remove the governor's veto? You must discuss this consequence and this ambiguity. Ref. O does not address the governor's role.
18. Line 26--change "as easy to amend" to "has the same process to amend" since it is a false claim to say the process is easy. The sentence is ambiguous--the constitution cannot be amended by statute. You mean "the petition process is the same for amending the constitution as it is for amending a statute."
19. Line 29--Is "to REFER TO VOTERS A MEASURE AMENDING a law passed" what you mean?

PAGE FOUR

20. Line 1--"and LEGISLATORS to comment AT A PUBLIC HEARING..." Anyone can comment any time, right now. Be accurate. The second sentence is absurd anyway. Anyone can write a letter to proponents right now, identifying alleged problems with the draft.

21. Line 7--"protecting voter-approved STATUTORY PETITIONS..." Ref. O does not protect statutes referred by the legislature and approved by voters. Your statement is misleading.

22. Line 9--stop after "voter intent." There is no content limit on the legislature, which may repeal the entire measure two months after it is passed, precisely because they don't like it, and it is "controversial" to them.

23. Line 13--"22% more signatures..." Add "That means about 150,000 signatures would be required for a petition to survive government scrutiny, rather than the current 120,000 signatures."

24. Line 17--add "tax limits" as an example.

25. Line 19--"With 68 votes...the decision of millions of state voters within two months."

26. Line 21--"can be...repealed by a majority vote in the legislature alone."

27. Delete argument 5. Opponents are NOT worried about weakening politicians!! Replace with the following:

IF TABOR, TERM LIMITS, OR OTHER MEASURES POPULAR WITH VOTERS, BUT NOT WITH THE LEGISLATURE, HAD BEEN STATUTORY PETITIONS, THEY WOULD HAVE BEEN REPEALED LONG AGO. THEY ARE IN THE CONSTITUTION TO PROTECT THEM FROM POLITICAL ATTACK BY THOSE WHOSE POWER "WE THE PEOPLE" ARE TRYING TO LIMIT.

28. Also try to insert this argument.

REF.O CREATES A POLITICAL FORUM FOR ATTACKING CONSTITUTIONAL AMENDMENTS, BUT NOT STATUTORY ONES. IT TWISTS THE PURPOSE OF MAKING A PUBLIC RECORD OF THE DRAFTERS' INTENT, AND TURNS IT INTO A SOAPBOX FOR OPPONENTS, WHO HAVE NO PERSONAL KNOWLEDGE OF THE MEASURE'S INTENT. THE PETITION PROCESS IS LENGTHENED TO PROVIDE THIS FORUM FOR LEGISLATORS TO MAKE SPEECHES OF UNLIMITED DURATION. THIS FORUM COULD GO ON FOR DAYS. OPPONENTS CAN MAKE A POLITICAL SPECTACLE BY BRINGING HUNDREDS OF OBJECTORS. A DEBATE ON THE MERITS SHOULD NOT BE PART OF THE TEXTUAL ANALYSIS OF A MEASURE.

29. Line 38--The fiscal note is nonsense. Having eight petition entry review per filing (overall plus seven CDs) will "GREATLY INCREASE" the cost to taxpayers to verify.

"Signatures can be on one petition section from a VARIETY of CDs. Random sampling will no longer be possible; each entry will have to be counted individually, lengthening the process and raising the cost."

State Rep. Douglas Bruce
(719) 550-0010
taxcutter@msn.com

3rd Draft

**Referendum O
Citizen-Initiated State Laws**

1 **Referendum O proposes amending the Colorado Constitution to:**

- 2 ♦ decrease the number of signatures required to place a statutory
3 initiative on the ballot;
- 4 ♦ increase the number of signatures required to place a constitutional
5 initiative on the ballot;
- 6 ♦ require that eight percent of signatures for constitutional initiatives be
7 gathered from each congressional district;
- 8 ♦ require that drafts of proposed constitutional initiatives be submitted for
9 review earlier in the year;
- 10 ♦ extend the time period for collecting signatures for statutory initiatives;
- 11 ♦ increase the number of votes required for the legislature to change a
12 statutory initiative for five years after the statute takes effect; and
- 13 ♦ allow the public and state legislators to comment on proposed initiatives
14 at a public meeting.


15 **Summary and Analysis**

16 In Colorado, citizens may propose new state laws or changes to existing laws
17 through the initiative process. Under this process, proposed laws are put on the ballot
18 by citizens instead of being proposed within the state legislature. Initiatives must be
19 approved by voters to take effect.

20 Citizens may initiate changes either to the state constitution or state statutes. In
21 general, the constitution defines the powers of the legislative, executive, and judicial
22 branches of government and contains the bill of rights. The constitution may be
23 changed only with approval of the state's voters at an election, and therefore is a more
24 permanent set of laws. Statutes, on the other hand, are more easily changed because
25 they may be amended through any of the following ways:

- 26 ♦ a bill passed by the state legislature and approved by the governor;
- 27 ♦ a bill passed by the state legislature and approved by the voters; or
- 28 ♦ an initiative approved by the voters.

29 When conflicts arise between the constitution and statutes, the constitution prevails.

30  Referendum O changes the requirements for proposing statutory and constitutional
31 initiatives, making it easier to propose statutory initiatives and more difficult to propose
32 constitutional initiatives.

Summary of Comments on Jim Griesemer Comments.pdf

Page: 1

Number: 1 Author: James Griesemer Subject: Sticky Note Date: 7/23/2008 2:33:41 PM
...(add) in order to provide more time for review

Number: 2 Author: James Griesemer Subject: Sticky Note Date: 7/23/2008 2:34:40 PM
protect citizen-initiated statutes by increasing...

Number: 3 Author: James Griesemer Subject: Sticky Note Date: 7/24/2008 10:15:16 AM
Add a new problem-statement paragraph as follows: "Colorado has one of, if not the, easiest constitutions to amend. Colorado's constitution has been amended so many times that it is now one of the longest and most complex constitutions of any state and is many times longer than the U.S. Constitution. These frequent amendments have produced some internal conflicts in the constitution and have added many pages of detailed policy provisions that are very difficult to change. The increased number of amendments has limited the ability of the legislature to deal with some important policy and fiscal matters.

3rd Draft

1 **Signature requirements.** To place an initiative on the ballot, proponents must
 2 collect a certain number of signatures from registered voters. Currently, there is no
 3 difference in the signature requirements for constitutional and statutory measures.
 4 Referendum O differentiates between the two types, requiring 10 percent more
 5 signatures for constitutional initiatives than statutory initiatives, giving proponents of
 6 statutory initiatives an additional 3 months to collect signatures, and requiring
 7 proponents of constitutional initiatives to collect signatures throughout the state. Table 1
 8 compares the current signature requirements to those proposed by Referendum O.

9 **Table 1: Current and Proposed Signature Requirements**

Issue	Current Initiative Process	Referendum O Initiative Process
How many valid signatures are required to place an initiative on the ballot?	An amount equal to 5 percent of all votes cast for secretary of state at the most recent election; 76,047 signatures required for 2008.	<u>Constitutional</u> - An amount equal to 6 percent of all votes cast for governor at the most recent election; 93,497 signatures required for 2008. <u>Statutory</u> - An amount equal to 4 percent of all votes cast for governor at the most recent election; 62,331 signatures required for 2008.
Where must signatures be collected?	Anywhere in the state.	<u>Constitutional</u> - At least 8 percent of the minimum required number of signatures must be collected from each congressional district; 7,480 signatures required from each of the 7 congressional districts (52,360 of the 93,497 total required signatures) for 2008. <u>Statutory</u> - No change
What is the maximum time allowed for collecting signatures?	6 months	<u>Constitutional</u> - No change <u>Statutory</u> - 9 months

29 **Review of initiatives.** Under current law, initiatives must be submitted to the
 30 nonpartisan legislative staff for review. This review helps to ensure that the initiative's
 31 wording expresses the proponents' intent and notifies the public that an initiative has
 32 been submitted. The staff prepare written comments that address the wording, intent,
 33 and purpose of the initiative and discuss those comments at a meeting with the
 34 proponents. The public may attend the meeting, but may not testify. Referendum O
 35 requires that constitutional initiatives be submitted to legislative staff earlier than
 36 statutory initiatives and that an opportunity for public comment be provided at the
 37 meeting. Table 2 compares the current and proposed process for reviewing initiatives.

JIM GRIESEMER'S COMMENTS ON LAST DRAFT OF REFERENDUM O

Page: 2

Number: 1 Author: James Griesemer Subject: Sticky Note Date: 7/23/2008 3:12:57 PM
Colorado has one of the lowest signature requirements of any state and...

Number: 2 Author: James Griesemer Subject: Sticky Note Date: 7/23/2008 3:19:28 PM
I believe this overstates the difference and has a negative bias. Would recommend that "requiring 50 percent more" be replaced by "...requiring statutory initiatives to have only 2/3 as many signatures as constitutional initiatives, giving proponents of statutory initiatives..."

3rd Draft

1 **Table 2: Current and Proposed Review Procedures**

Issue	Current Initiative Process	Referendum O Initiative Process
2 3 What is the deadline for 4 submitting the text of 5 initiatives? 6	The date changes annually, but generally falls in the second half of April; April 25 for the 2008 election.	<u>Constitutional</u> - No later than the 60th day of the legislative session prior to the election; March 8 for the 2008 election. <u>Statutory</u> - No change
7 8 When must staff provide 9 written comments and 10 hold a public meeting?	Within 2 weeks after the measure is submitted	Written comments must be provided to proponents within 2 weeks and the meeting must be held within 3 weeks after the measure is submitted.
11 12 Who may provide 13 comments at the meeting?	Only legislative staff and proponents	Members of the public and state legislators, as well as proponents and legislative staff

14 **Protection for statutory initiatives.** Under current law, once a statutory initiative is
 15 passed by the voters, the legislature can pass a bill at any time to change that statute
 16 with a majority vote (29 representatives and 18 senators). Referendum O requires a
 17 two-thirds vote of the legislature (44 representatives and 24 senators) to pass a bill
 18 changing an initiated statute within five years of the statute taking effect.

19 **Arguments For**

20 1) Laws sometimes need to be updated to keep pace with a changing world.
 21 Referendum O encourages citizens to propose statutory initiatives, which can be
 22 changed more easily than constitutional initiatives. Statutory initiatives preserve the
 23 citizens' right to initiate laws, while giving the legislature flexibility to react when laws
 24 require clarification or when problems or unforeseen circumstances arise.

25 2) Currently, the requirements for proposing constitutional initiatives are no different
 26 than the requirements for proposing statutory initiatives, making the constitution
 27 susceptible to detailed provisions that cannot be changed without voter approval. In
 28 addition, some issues are limited to even-year ballots, and the political will to change a
 29 constitutional amendment passed by the voters often does not exist, even when
 30 problems become apparent. Requiring more signatures for constitutional initiatives
 31 makes it more difficult to propose constitutional amendments, thereby making the
 32 Colorado Constitution a more enduring framework for state government.


33 3) Requiring that signatures for constitutional initiatives be gathered from each
 34 congressional district ensures that citizens from across the state support measures
 35 before they are placed on the ballot. Due to the relative ease of collecting signatures in
 36 heavily populated urban areas compared to sparsely populated rural areas, rural citizens
 37 currently be unaware of proposed ballot measures until late in the election season.

JIM GRIESEMER'S COMMENTS ON LAST DRAFT OF REFERENDUM O

Page: 3


-
- Number: 1 Author: James Griesemer Subject: Sticky Note Date: 7/24/2008 10:30:08 AM
This seems to be a majority of all members, but wouldn't the minimum number required really be a majority of a quorum? If so, the comparative numbers (33 and 18 v. 44 and 24) don't accurately reflect the difference required. Under the present situation, the minimum number required (majority of a quorum) would be considerably lower, thus making the proposed change (2/3 of all members) a much higher leap.
-
- Number: 2 Author: James Griesemer Subject: Sticky Note Date: 7/23/2008 3:26:52 PM
Ref O requires a 2/3 vote of "all members elected to each house". Thus, I think we might add "...two-thirds vote of all members of the legislature (not just those voting) to pass a bill..."
-
- Number: 3 Author: James Griesemer Subject: Sticky Note Date: 7/23/2008 4:00:36 PM
Add the following sentence: "Constitutions are not the right place to put statutory policy because they are extremely hard to change, even when events require new approaches."
-
- Number: 4 Author: James Griesemer Subject: Sticky Note Date: 7/24/2008 10:31:24 AM
Suggest beginning this section with the following sentence: "Colorado currently has one of, if not the, lowest signature requirements for amending the constitution of any state. Moreover, the requirements for proposing..."
-
- Number: 5 Author: James Griesemer Subject: Sticky Note Date: 7/23/2008 3:55:32 PM
Recommend replacing this second sentence (or adding another that precedes it saying) "As a result, Colorado currently has one of the longest constitutions of any state; a constitution containing conflicting provisions and filled with detailed policy minutia that hamstrings the legislature trying to respond to today's issues.
-
- Number: 6 Author: James Griesemer Subject: Sticky Note Date: 7/24/2008 10:32:00 AM
Suggest adding the following introductory sentence: "Colorado's constitution affects everyone in the state, not just those living in populous areas. Requiring that..."
-
- Number: 7 Author: James Griesemer Subject: Sticky Note Date: 7/23/2008 3:45:14 PM
Suggest replacing "...may currently be unaware of proposed ballot measures until late in the election season." with "may not have a voice in determining which matters appear on the ballot."

3rd Draft

1 4) wing the public and state legislators to comment on an initiative at a public
2 meeting early in the process makes the review process more open and helps interest
3 groups and voters gain a better understanding of the measure. It also helps proponents
4 identify potential problems, make sure that the measure clearly expresses their intent,
5 and avoid unintended consequences.

6 5) Limiting the ability of the legislature to change initiated statutes strikes a balance
7 between protecting voter-approved statutes and permitting the legislature to address
8 problems that may arise. The two-thirds legislative approval requirement is stringent
9 enough to protect voter intent, but still allows for non-controversial changes that clarify,
10 correct, or improve a statute.

11 **Arguments Against**

12 1) Referendum O limits ability of citizens to amend the constitution, which is the
13 only set of laws that requires voter approval to be changed. Constitutional initiatives are
14 the best way for citizens to set fundamental policies of the state that govern the
15 legislature, the executive branch, and the courts. They also allow the public to address
16 issues that the government has not addressed to the public's satisfaction. Requiring 22
17 percent more signatures to qualify for the ballot makes it more difficult and expensive for
18 citizens to exercise their right to petition for constitutional changes.

19 2) The protections in Referendum O for statutory initiatives may not be sufficient to
20 preserve voter-approved statutes from changes by the legislature. With a two-thirds
21 vote, the legislature can overturn the decision of a majority of the state's voters almost
22 immediately. Further, after only five years, the statute can be changed or repealed by
23 majority vote.

24 3) The requirement to collect signatures from each congressional district could
25 enable one part of the state to block a change favored by the rest of the state. Also, it
26 becomes more difficult to meet the signature requirement if the number of congressional
27 districts increases. Ultimately, this measure makes it mathematically impossible for
28 citizens to place constitutional initiatives on the ballot if the state's population grows
29 large enough to include thirteen congressional districts.

30 4) Requiring constitutional initiatives to be filed halfway through the legislative
31 session limits the ability of citizens to respond to action, or inaction, by the legislature on
32 issues of importance to the voters. This change puts citizens at a disadvantage
33 compared to the legislature, which can still propose competing alternatives or bills that
34 weaken an initiative after it has been filed.

35 5) Restricting the ability of the legislature to amend or repeal initiated statutes for
36 five years erodes representative government. Voters elect their representatives to
37 respond to changing priorities, including amending statutes approved by voters.

JIM GRIESEMER'S COMMENTS ON LAST DRAFT OF REFERENDUM O

Page: 4

Number: 1 Author: James Griesemer Subject: Sticky Note Date: 7/23/2008 3:50:02 PM

Begin by inserting the following two sentences: "Currently, the initiative process is controlled by the special interest proposing the initiative. Average citizens have no ability to comment on a proposed initiative before it gets to the ballot. Allowing the public..."

Number: 2 Author: James Griesemer Subject: Sticky Note Date: 7/23/2008 4:13:32 PM

This sentence is misleading in that it suggests that citizens' only avenue for initiated action is being blocked by Referendum O. In fact, citizens have the ability to initiate statutes and Referendum O makes it easier for citizens to do so. The sentence needs to be removed or at least modified to be accurate.

REPRESENTATIVE LAMBERT'S COMMENTS ON LAST DRAFT OF REFERENDUM O

"Kent Lambert" <rep.kent.lambert@comcast.net>

07/23/2008 03:10 PM

Chris,

I saw that in the first argument against, but it may not go far enough. The second argument against is a pretty accurate argument that the legislature can overturn statutory initiatives. It might be a good parallel to insert another paragraph right after that one that specifies that the courts can also overturn statutory initiatives, and there would be no other redress for the voters or the legislature to deal with that, short of the constitutional initiative process--which could then be almost impossible.

The whole tenor of the debate (in the Blue Book) highlights the people vs. the legislature--which is not the whole story. With less power to change the Constitution, both the legislature and the people could become irrelevant if an unelected court can override BOTH. That could, and probably will, increase the power of the courts to rule tyrannically and with no oversight. I think that needs to be very clear in the arguments against.

Rep. Kent Lambert

-----Original Message-----

From: David Beaujon [mailto:David.Beaujon@state.co.us] On Behalf Of LCS initiativeproc

Sent: Wednesday, July 23, 2008 2:42 PM

To: Kent Lambert

Cc: Chris Ward; Bo Pogue; Christie Lee; Deb Godshall

Subject: RE: Referendum O Ballot Analysis - Last Draft

Representative Lambert:

Thanks for the quick response. We attempted to address your concern in the summary and analysis section of the Third Draft, Page 1, line 20 through 22 (see highlighted sentence).

"Citizens may initiate changes either to the state constitution or state statutes. In general, the constitution defines the powers of the legislative, executive, and judicial branches of government and contains the bill of rights. The constitution may be changed only with approval of the state's voters at an election, and therefore is a more permanent set of laws."

We also attempted to address your concern in the first argument against, Page 4, lines 13 through 15 (see highlighted sentence).

1) Referendum O limits the ability of citizens to amend the constitution, which is the only set of laws that requires voter approval to be changed. Constitutional initiatives are the best way for citizens to set fundamental policies of the state that govern the legislature, the executive branch, and the courts. They also allow the public to address issues that the government has not addressed to the public's satisfaction. Requiring 22 percent more signatures to qualify for the ballot makes it more difficult and expensive for citizens to exercise their right to petition for constitutional changes.

We will review this language to determine if we can better address your concerns in the final draft that will be considered by Legislative Council on September 8 and 9.

"Kent Lambert" <rep.kent.lambert@comcast.net>

To: <initiativeproc@state.co.us>

07/23/2008 01:26

Subject: RE: Referendum O Ballot Analysis - Last Draft

Juanita, Chris, et. al.,

There still seems to be no consideration of the balances of power between the citizens and the judiciary. In many cases, initiatives are filed to redress grievances against abuses by the courts, or as a check against judicial review or case law that have overruled statutory law. The gist of this referendum is to prefer statutory solutions that could continually be overturned by the courts against the will of the people. That should be included a primary argument against the measure.

Rep. Kent Lambert

719-685-9397

ELENA NUNEZ'S COMMENTS ON LAST DRAFT OF REFERENDUM O

To: Legislative Council Staff
Fr: Elena Nunez, Colorado Common Cause
Re: Comments on Final Draft of Blue Book Analysis for Referendum O
Dt: August 4, 2008

Thank you for the opportunity to comment on this draft.

P 3, lines 21-24: With the changes proposed in Ref. O, it is unclear whether a constitutional or statutory measure would be easier to change. Given that Referendum O implements stringent requirements for the Legislature to repeal or amend a statutory initiative, it is inaccurate to say that the Legislature retains flexibility to changes initiated statutes.

We recommend revising this argument to say:

“Referendum O encourages citizens to propose statutory initiatives, which can be changed ~~more easily than constitutional initiatives~~ WITH A SUPERMAJORITY VOTE BY THE LEGISLATURE. Statutes MAY give the state legislature flexibility to react when laws require clarification or when problems or unforeseen circumstances arise.”

P 3, lines 26- 27: We appreciate the changes made from version 2 and believe that the first part of this argument is more accurate. However, it is not accurate to say that identical signature requirements to propose statutory or constitutional amendments are the reason that the constitution is susceptible to amendment. Other factors, such as legislative action or inaction, subject matter, or proponents’ belief that a measure is appropriate for the constitution, are also common reasons for proposing constitutional amendments.

P 3, lines 30- 32: While Referendum O will make the qualification of constitutional amendments for the ballot more onerous, its requirements will not necessarily change the types of proposals that advance. Therefore, it is not accurate to say that making constitutional amendments more difficult will make the constitution a ‘more enduring framework for state government’. We propose deleting the second clause of this sentence.

P 4, lines 33- 35: We propose removing this argument in favor of an alternative argument in opposition of Referendum O that would read:

“By making the requirements to qualify a constitutional amendment more onerous, Referendum O will have the unintended consequence of making initiative campaigns much more expensive. This will not stop wealthy special interests from proposing constitutional amendments, but will make it more difficult for grassroots organizations in Colorado to use the initiative process to advance policy changes.”

DENNIS POLHILL'S COMMENTS ON LAST DRAFT OF REFERENDUM O

Hi All,

The Blue Book language for Ref O is disappointing. It is focused on an inconsequential part of the measure. That is, the reduction of statutory signature requirement. Because the GA has the unilateral authority to make this change, Ref O is not about that. It is about something else. That the other features are not presented in equal or greater prominence is an illustration of bias in favor of the measure and a mechanism to mislead voters that Ref O is a mere facilitation and minor regulation of the initiative process.

Because of Ref O's many features that increase signature requirements (either directly or indirectly), O is primarily, if not exclusively intended to hamper and injure citizen participation in government. It is an attack on democracy ... however well disguised.

The DU Panel was a distraction as was the CCP process. Neither was an honest search for truth in that they failed to include the involvement of Colorado's most knowledgeable individuals about the initiative process. "Don't confuse me with the facts; I have my mind made up." The insatiable thirst for power of our politicians is beyond my ability to grasp. No one who voted for SCR-3 deserves the honor of serving in office.

Before the first draft I sent several fact-based emails about the initiative process. I can find no evidence that that factual information was received by the Blue Book drafters. #5 of the Con Arguments is a Pro Argument. What? You ran out of Con arguments? The others are pretty soft. No mention of the notion that O is a subterfuge of representative government, constitutional law, democracy, and citizen participation. But then, the drafters are paid by those subverting. So what are they to do? The Blue Book continues to lose its once stellar reputation as an objective source of information to assist voters and continues to evolve increasingly as a propaganda device.

I am sorry that I have been unable to be more involved in this process and hope at this late date you are able to make some significant corrections.

Thank you.
Dennis Polhill

Last Draft as Mailed to Interested Parties

Referendum O Citizen-Initiated State Laws

1 **Referendum O proposes amending the Colorado Constitution to:**

- 2 ♦ decrease the number of signatures required to place a statutory
- 3 initiative on the ballot;
- 4 ♦ increase the number of signatures required to place a constitutional
- 5 initiative on the ballot;
- 6 ♦ require that eight percent of signatures for constitutional initiatives be
- 7 gathered from each congressional district;
- 8 ♦ require that drafts of proposed constitutional initiatives be submitted for
- 9 review earlier in the year;
- 10 ♦ extend the time period for collecting signatures for statutory initiatives;
- 11 ♦ increase the number of votes required for the legislature to change a
- 12 statutory initiative for five years after the statute takes effect; and
- 13 ♦ allow the public and state legislators to comment on proposed initiatives
- 14 at a public meeting.

15 **Summary and Analysis**

16 In Colorado, citizens may propose new state laws or changes to existing laws
17 through the initiative process. Under this process, proposed laws are put on the ballot
18 by citizens instead of being proposed within the state legislature. Initiatives must be
19 approved by voters to take effect.

20 Citizens may initiate changes either to the state constitution or state statutes. In
21 general, the constitution defines the powers of the legislative, executive, and judicial
22 branches of government and contains the bill of rights. The constitution may be
23 changed only with approval of the state's voters at an election, and therefore is a more
24 permanent set of laws. Statutes, on the other hand, are more easily changed because
25 they may be amended through any of the following ways:

- 26 ♦ a bill passed by the state legislature and approved by the governor;
- 27 ♦ a bill passed by the state legislature and approved by the voters; or
- 28 ♦ an initiative approved by the voters.

29 When conflicts arise between the constitution and statutes, the constitution prevails.

30 Referendum O changes the requirements for proposing statutory and constitutional
31 initiatives, making it easier to propose statutory initiatives and more difficult to propose
32 constitutional initiatives.

Last Draft as Mailed to Interested Parties

1 **Signature requirements.** To place an initiative on the ballot, proponents must
 2 collect a certain number of signatures from registered voters. Currently, there is no
 3 difference in the signature requirements for constitutional and statutory measures.
 4 Referendum O differentiates between the two types, requiring 50 percent more
 5 signatures for constitutional initiatives than statutory initiatives, giving proponents of
 6 statutory initiatives an additional 3 months to collect signatures, and requiring
 7 proponents of constitutional initiatives to collect signatures throughout the state. Table 1
 8 compares the current signature requirements to those proposed by Referendum O.

9 **Table 1: Current and Proposed Signature Requirements**

Issue	Current Initiative Process	Referendum O Initiative Process
How many valid signatures are required to place an initiative on the ballot?	An amount equal to 5 percent of all votes cast for secretary of state at the most recent election; 76,047 signatures required for 2008.	<u>Constitutional</u> - An amount equal to 6 percent of all votes cast for governor at the most recent election; 93,497 signatures required for 2008. <u>Statutory</u> - An amount equal to 4 percent of all votes cast for governor at the most recent election; 62,331 signatures required for 2008.
Where must signatures be collected?	Anywhere in the state.	<u>Constitutional</u> - At least 8 percent of the minimum required number of signatures must be collected from each congressional district; 7,480 signatures required from each of the 7 congressional districts (52,360 of the 93,497 total required signatures) for 2008. <u>Statutory</u> - No change
What is the maximum time allowed for collecting signatures?	6 months	<u>Constitutional</u> - No change <u>Statutory</u> - 9 months

29 **Review of initiatives.** Under current law, initiatives must be submitted to the
 30 nonpartisan legislative staff for review. This review helps to ensure that the initiative's
 31 wording expresses the proponents' intent and notifies the public that an initiative has
 32 been submitted. The staff prepare written comments that address the wording, intent,
 33 and purpose of the initiative and discuss those comments at a meeting with the
 34 proponents. The public may attend the meeting, but may not testify. Referendum O
 35 requires that constitutional initiatives be submitted to legislative staff earlier than
 36 statutory initiatives and that an opportunity for public comment be provided at the
 37 meeting. Table 2 compares the current and proposed process for reviewing initiatives.

Last Draft as Mailed to Interested Parties

1 **Table 2: Current and Proposed Review Procedures**

2

Issue	Current Initiative Process	Referendum O Initiative Process
3 4 5 6 What is the deadline for submitting the text of initiatives?	The date changes annually, but generally falls in the second half of April; April 25 for the 2008 election.	<u>Constitutional</u> - No later than the 60th day of the legislative session prior to the election; March 8 for the 2008 election. <u>Statutory</u> - No change
7 8 9 10 When must staff provide written comments and hold a public meeting?	Within 2 weeks after the measure is submitted	Written comments must be provided to proponents within 2 weeks and the meeting must be held within 3 weeks after the measure is submitted.
11 12 13 Who may provide comments at the meeting?	Only legislative staff and proponents	Members of the public and state legislators, as well as proponents and legislative staff

14 **Protection for statutory initiatives.** Under current law, once a statutory initiative is
15 passed by the voters, the legislature can pass a bill at any time to change that statute
16 with a majority vote (33 representatives and 18 senators). Referendum O requires a
17 two-thirds vote in the legislature (44 representatives and 24 senators) to pass a bill
18 changing an initiated statute within five years of the statute taking effect.

19 **Arguments For**

20 1) Laws sometimes need to be updated to keep pace with a changing world.
21 Referendum O encourages citizens to propose statutory initiatives, which can be
22 changed more easily than constitutional initiatives. Statutory initiatives preserve the
23 citizens' right to initiate laws, while giving the legislature flexibility to react when laws
24 require clarification or when problems or unforeseen circumstances arise.

25 2) Currently, the requirements for proposing constitutional initiatives are no different
26 than the requirements for proposing statutory initiatives, making the constitution
27 susceptible to detailed provisions that cannot be changed without voter approval. In
28 addition, some issues are limited to even-year ballots, and the political will to change a
29 constitutional amendment passed by the voters often does not exist, even when
30 problems become apparent. Requiring more signatures for constitutional initiatives
31 makes it more difficult to propose constitutional amendments, thereby making the
32 Colorado Constitution a more enduring framework for state government.

33 3) Requiring that signatures for constitutional initiatives be gathered from each
34 congressional district ensures that citizens from across the state support measures
35 before they are placed on the ballot. Due to the relative ease of collecting signatures in
36 heavily populated urban areas compared to sparsely populated rural areas, rural citizens
37 may currently be unaware of proposed ballot measures until late in the election season.

Last Draft as Mailed to Interested Parties

1 4) Allowing the public and state legislators to comment on an initiative at a public
2 meeting early in the process makes the review process more open and helps interest
3 groups and voters gain a better understanding of the measure. It also helps proponents
4 identify potential problems, make sure that the measure clearly expresses their intent,
5 and avoid unintended consequences.

6 5) Limiting the ability of the legislature to change initiated statutes strikes a balance
7 between protecting voter-approved statutes and permitting the legislature to address
8 problems that may arise. The two-thirds legislative approval requirement is stringent
9 enough to protect voter intent, but still allows for non-controversial changes that clarify,
10 correct, or improve a statute.

11 **Arguments Against**

12 1) Referendum O limits the ability of citizens to amend the constitution, which is the
13 only set of laws that requires voter approval to be changed. Constitutional initiatives are
14 the best way for citizens to set fundamental policies of the state that govern the
15 legislature, the executive branch, and the courts. They also allow the public to address
16 issues that the government has not addressed to the public's satisfaction. Requiring 22
17 percent more signatures to qualify for the ballot makes it more difficult and expensive for
18 citizens to exercise their right to petition for constitutional changes.

19 2) The protections in Referendum O for statutory initiatives may not be sufficient to
20 preserve voter-approved statutes from changes by the legislature. With a two-thirds
21 vote, the legislature can overturn the decision of a majority of the state's voters almost
22 immediately. Further, after only five years, the statute can be changed or repealed by
23 majority vote.

24 3) The requirement to collect signatures from each congressional district could
25 enable one part of the state to block a change favored by the rest of the state. Also, it
26 becomes more difficult to meet the signature requirement if the number of congressional
27 districts increases. Ultimately, this measure makes it mathematically impossible for
28 citizens to place constitutional initiatives on the ballot if the state's population grows
29 large enough to include thirteen congressional districts.

30 4) Requiring constitutional initiatives to be filed halfway through the legislative
31 session limits the ability of citizens to respond to action, or inaction, by the legislature on
32 issues of importance to the voters. This change puts citizens at a disadvantage
33 compared to the legislature, which can still propose competing alternatives or bills that
34 weaken an initiative after it has been filed.

35 5) Restricting the ability of the legislature to amend or repeal initiated statutes for
36 five years erodes representative government. Voters elect their representatives to
37 respond to changing priorities, including amending statutes approved by voters.

Last Draft as Mailed to Interested Parties

1 **Estimate of Fiscal Impact**

2 Requiring that signatures be collected from each congressional district for
3 constitutional initiatives will increase state costs to verify signatures. Costs are
4 estimated to increase at least **\$40,200 in the 2010 budget year** and **\$106,000 in the**
5 **2011 budget year**, but the actual increase will depend on the number of constitutional
6 initiatives submitted and the number requiring verification of each signature instead of a
7 random sampling of signatures.

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Referendum O
Citizen-Initiated State Laws

1 **Ballot Title:** Shall there be an amendment to the Colorado constitution concerning
2 ballot initiatives, and, in connection therewith, increasing the number of signatures
3 required for a proposed initiative to amend the state constitution; reducing the number
4 of signatures required for a proposed statutory initiative; requiring a minimum number
5 of signatures for a proposed initiative to amend the state constitution to be gathered from
6 residents of each congressional district in the state; increasing the time allowed to gather
7 signatures for a proposed statutory initiative; modifying the review of initiative
8 petitions; establishing a filing deadline for proposed initiatives to amend the state
9 constitution; and requiring a two-thirds vote of all members elected to each house of the
10 general assembly to amend, repeal, or supersede any law enacted by an initiative for a
11 period of five years after the law becomes effective?

12 **Text of Proposal:**

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

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

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

21 **Section 1. General assembly - initiative and referendum.** (2) The first power
22 hereby reserved by the people is the initiative. ~~and~~ Signatures by registered electors in
23 an amount equal to at least ~~five~~ FOUR percent of the total number of votes cast for all
24 candidates for the office of ~~secretary of state~~ GOVERNOR at the previous general election
25 shall be required to propose ~~any measure by petition, and~~ AN INITIATIVE PETITION FOR
26 STATE LEGISLATION. SIGNATURES BY REGISTERED ELECTORS IN AN AMOUNT EQUAL TO
27 AT LEAST SIX PERCENT OF THE TOTAL NUMBER OF VOTES CAST FOR ALL CANDIDATES FOR
28 THE OFFICE OF GOVERNOR AT THE PREVIOUS GENERAL ELECTION SHALL BE REQUIRED TO
29 PROPOSE AN INITIATIVE PETITION FOR AN AMENDMENT TO THE CONSTITUTION. FOR AN
30 INITIATIVE PETITION FOR AN AMENDMENT TO THE CONSTITUTION, THE MINIMUM NUMBER
31 OF SIGNATURES BY REGISTERED ELECTORS WHO RESIDE IN EACH UNITED STATES
32 CONGRESSIONAL DISTRICT IN COLORADO SHALL BE AN AMOUNT EQUAL TO EIGHT
33 PERCENT OF THE MINIMUM NUMBER OF THE TOTAL SIGNATURES REQUIRED FOR SUCH
34 PETITION. Every ~~such~~ petition shall include the full text of the measure so proposed.
35 Initiative petitions for state legislation and amendments to the constitution, in such form

1 as may be prescribed pursuant to law, shall be addressed to and filed with the secretary
2 of state at least three months before the general election at which they are to be voted
3 upon. WITHIN THIS DEADLINE, AN INITIATIVE PETITION FOR STATE LEGISLATION SHALL
4 BE FILED WITHIN NINE MONTHS FROM THE DATE THAT ITS BALLOT TITLE IS FINALLY SET.

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

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

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

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

23 **SECTION 3.** The votes cast for the adoption or rejection of said amendment
24 shall be canvassed and the result determined in the manner provided by law for the
25 canvassing of votes for representatives in Congress, and if a majority of the electors
26 voting on the question shall have voted "Yes", the said amendment shall become a part
27 of the state constitution.