

STATE OF COLORADO

Colorado General Assembly

Mike Mauer, Director
Legislative Council Staff

Colorado Legislative Council
029 State Capitol Building
Denver, Colorado 80203-1784
Telephone (303) 866-3521
Facsimile (303) 866-3855
TDD (303) 866-3472
E-Mail: lcs.ga@state.co.us



Dan L. Cartin, Director
Office of Legislative Legal Services

Office Of Legislative Legal Services
091 State Capitol Building
Denver, Colorado 80203-1782
Telephone (303) 866-2045
Facsimile (303) 866-4157
E-Mail: olls.ga@state.co.us

MEMORANDUM

April 3, 2012

TO: D'Arcy Straub and Gene Straub

FROM: Legislative Council Staff and Office of Legislative Legal Services

SUBJECT: Proposed initiative measure 2011-2012 #80, concerning election of members to congress

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Colorado Legislative Council and the Office of Legislative Legal Services to "review and comment" on initiative petitions for proposed laws and amendments to the Colorado constitution. We hereby submit our comments to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the Legislative Council and the Office of Legislative Legal Services is to provide comments intended to aid proponents in determining the language of their proposal and to avail the public of knowledge of the contents of the proposal. Our first objective is to be sure we understand your intent and your objective in proposing the amendment. We hope that the statements and questions contained in this memorandum will provide a basis for discussion and understanding of the proposal.

This initiative was submitted with proposed initiative 2011-2012 #79. The comments and questions raised in this memorandum will not include comments and questions that were addressed in the memorandum for proposed initiative 2011-2012 #79, except as necessary to fully understand the issues raised by the revised proposed initiative. Comments and questions addressed in the other memorandum may also be relevant, and those questions and comments are hereby incorporated by reference in this memorandum.

Purposes

The major purposes of the proposed amendment appear to be the same as the major purposes of proposed initiative 2011-2012 #79, with the following exceptions:

1. The proposed initiative amends the Colorado constitution to require, effective January 1, 2015, rather than January 1, 2013, the election of at least one United States representative and one United States senator employing a process involving lot to ensure that no political party seats a majority of representatives or two senators from the state. The requirement that one senator be elected through a process involving lot shall not apply to the 2016 general election.
2. The proposed initiative requires the general assembly and governor to take steps to fulfill the operation of the proposed initiative for the 2016 general election, rather than for the 2014 general election.

Technical Comments

There are no additional technical comments or questions raised by the form of the proposed initiative.

Substantive Comments and Questions

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

1. It appears that the only difference between this proposed initiative and proposed initiative #79 pertains to the relevant dates of the measure. (That is, proposed initiative #80 takes effect at a later date than #79; consequently, there are fewer general elections to which proposed initiative #80 is inapplicable, more time is accorded for the enactment of necessary laws, and the future repeal of proposed section 1-18-802 occurs later.) Is this understanding of #80, *vis-a-vis* #79, correct? Does this alternate approach reflect concerns regarding the time required to implement the lot scheme?
2. Section 1-18-803 of the proposed initiative repeals the article created by the proposed initiative on March 1, 2017, while also repealing that section on July 1, 2017, making the second repealer irrelevant. You may wish to make an exception from the article repealer for 1-18-803, or remove the section repealer. In addition, section 1-18-802 of the proposal self-repeals on July 1, 2017, even though section 1-18-803 repeals the entire article on March 1, 2017. You may wish to include an exception in the article repealer in section 1-18-803 for section 1-18-802.