

# 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

March 20, 2012

**TO:** David Ottke and John Slota

**FROM:** Legislative Council Staff and Office of Legislative Legal Services

**SUBJECT:** Proposed initiative measures 2011-2012 #69, concerning the citizen initiative process.

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 a series of initiatives including proposed initiatives 2011-12 #67 to #69. The comments and questions raised in this memorandum will not include comments and questions that were addressed in the memoranda for proposed initiatives 2011-12 #67 and #68. Substantive questions and comments 2 through 10 addressed in the memorandum for 2011-12 #67 and 1 through 4 in the memorandum for 2011-12 #68 and all of the technical comments in the memorandum for 2011-12 #68 are hereby incorporated by reference in this memorandum.<sup>1</sup> The substantive comment and question in this memorandum is new.

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<sup>1</sup> As the two initiatives were structured in a different manner, any references to subsection (11), (11.1), (11.2), or (11.3) in 2011-12 #67 shall be the same as (11) (a), (11) (b), (11) (c), or (11) (d), respectively, in 2011-12 #68.

## **Purposes**

The major purposes of the proposed amendments to the Colorado constitution appear to be:

1. To reduce the number of signatures required to propose legislation through the initiative process from an amount equal to at least five percent of the total number of votes cast for all candidates for the office of secretary of state at the previous general election to three percent.
2. To require a supermajority vote of the members of each house of the general assembly to amend or repeal any statute ever enacted through the initiative process, unless the initiated statute includes a provision allowing for a majority vote to amend or repeal it.

## **Substantive Comments and Questions**

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

1. It appears that the only difference between proposed initiative 2011-12 #69 and 2011-12 #68 is that the percentage of signatures required is three percent instead of four percent. Are there any other changes between the two initiatives?