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MEMORANDUM

TO: Gregory Brophy and Dan Gibbs

FROM: Legislative Council Staff and Office of Legislative Legal Services

DATE: February 12, 2016

SUBJECT: Proposed initiative measure 2015-2016 #96, concerning Requirements for Initiated Constitutional Amendments

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 directors of 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 2015-2016 #93 and #97. The comments and questions raised in this memorandum will not include comments and questions that were addressed in the memoranda for proposed initiatives 2015-2016 #93 and #97, except as necessary to fully understand the issues raised by the proposed initiative. Comments and questions addressed in those other memoranda 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 to the Colorado constitution appear to be:

1. To make it more difficult to amend the state constitution by requiring that the signatures constitutionally required to propose an initiated constitutional amendment shall include the signatures of registered electors who reside in each state senate district equal to at least 2% of the total registered electors in such district;
2. To specify that the boundaries of the senate districts and the number of registered electors in those districts shall be those in effect when the form of the petition has been approved for circulation as provided by law;
3. To make it more difficult to amend the state constitution by requiring an initiated constitutional amendment to be approved by at least 55% of the votes cast thereon;
4. To specify that the 55% requirement does not apply to an initiated constitutional amendment that is limited to the repeal, in whole or in part, of any provision of the state constitution;
5. To make it more difficult to amend the state constitution by requiring a constitutional amendment referred to the people by the General Assembly to be approved by at least 55% of the votes cast thereon; and
6. To specify that the 55% requirement does not apply to a referred constitutional amendment that is limited to the repeal, in whole or in part, of any provision of the state constitution.

Substantive Comments and Questions

The substantive comments set forth in the review and comment memorandum on proposed initiatives 2015-2016 #93 and #97 are applicable to proposed initiative 2015-2016 #96 and, as such, will not be repeated. However, the following new substantive comment and question has arisen:

1. Article V, section 1 (5.5) of the Colorado constitution requires all proposed initiatives to have a single subject. What is the single subject of the proposed initiative?

Technical Comments

The technical comments set forth in the review and comment memorandum on proposed initiatives 2015-2016 #93 and #97 are applicable to proposed initiative 2015-2016 #96 and, as such, will not be repeated.