

Amendment 71 Requirements for Constitutional Amendments

1 **Amendment 71 proposes amending the Colorado Constitution to:**

- 2 ♦ require that a certain number of signatures be gathered from each state
3 senate district to place a constitutional initiative on the ballot; and
- 4 ♦ increase the percentage of votes required to adopt a constitutional
5 amendment, except for proposals that only repeal part of the state
6 constitution.

7 **Summary and Analysis**

8 **Background.** In Colorado, citizens have the power to propose changes to the
9 state constitution and statutes through the citizen-initiative process. Under this
10 process, proponents must collect a certain number of signatures to place an initiative
11 on the ballot. The state legislature may refer constitutional changes to the voters with
12 a two-thirds vote of both houses. State statutes can be changed by the legislature
13 without a vote of the people, but amending the constitution, whether by citizen initiative
14 or legislative referendum, requires a majority of the votes cast in an election.

15 In order to place a citizen initiative on the ballot to change the constitution or state
16 statutes, proponents must collect enough signatures to equal at least 5 percent of the
17 votes cast in the most recent election for Secretary of State. In 2016, this requirement
18 is 98,492 signatures. Proponents have up to six months to gather and submit
19 signatures to the Secretary of State's Office for verification.

20 **Changes under Amendment 71.** Amendment 71 adds a requirement that
21 signatures be collected statewide for the citizen-initiative process and increases the
22 percentage of votes required to adopt changes to the constitution in most situations.
23 Amendment 71 does not alter the process or requirements for citizen initiatives that
24 propose changes to state statutes.

25 **Signature requirements.** Amendment 71 creates an additional signature-gathering
26 requirement to place a constitutional initiative on the ballot. Of the total required
27 signatures, some must be collected from each of the state's 35 senate districts in an
28 amount of at least 2 percent of the registered voters in each district.

29 Table 1 shows a sample of state senate districts and the minimum number of
30 signatures that would be needed to place a measure on the ballot under
31 Amendment 71, based on the 2 percent requirement and the number of registered
32 voters in these districts.

**Table 1. Sample Signature Collection Requirements
Under Amendment 71, as of May 1, 2016**

State Senate District	Location	Number of Registered Voters	2 Percent of Registered Voters
District 1	11 counties in northeast Colorado	90,983	1,820
District 7	Mesa County	110,167	2,203
District 20	a portion of Jefferson County	118,644	2,373
District 29	a portion of Arapahoe County	82,963	1,659
District 35	16 counties in south and southeast Colorado	88,962	1,779

Source: Colorado Secretary of State's Office with Legislative Council Staff calculations.

Percent of vote required to adopt changes to the constitution. Under current law, changes to the constitution require a simple majority of all votes cast, or 50 percent plus one vote. Amendment 71 changes this requirement to 55 percent of all votes cast, except when a proposed amendment repeals rather than changes part of the constitution, in which case a simple majority of votes is required.

*For information on those issue committees that support or oppose the measures on the ballot at the **November 8, 2016**, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information:*

<http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html>

Arguments For

1) It should be difficult to change the constitution because it is a foundational document for the state. Because the current requirements for proposing and adopting constitutional and statutory amendments are the same, the constitution has seen the addition of detailed provisions that cannot be changed without an election. Amendment 71 is expected to encourage citizen-initiated changes to law in statute by making it harder to amend the constitution. Statutory changes allow the legislature to react when laws require clarification or when problems or unforeseen circumstances arise.

2) Requiring that signatures for constitutional initiatives be gathered from each state senate district ensures that citizens from across the state have a say in which measures 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 currently have a limited voice in determining which issues appear on the ballot.

Blue Book

1 **Arguments Against**

2 1) Amendment 71 makes it too difficult for citizens to exercise their right to initiate
3 constitutional changes. Sometimes the will of the people or issues of broad public
4 interest are not adequately addressed by the political process. While statutory
5 changes may be amended or repealed without the approval of the voters, the power to
6 amend the Colorado constitution lies solely with its citizens. It is critical to preserve
7 the current process and to protect the rights of citizens to change the constitution.

8 2) Requiring proponents to collect signatures statewide for proposed
9 constitutional changes makes the process of placing an amendment on the ballot even
10 more difficult and costly. Amendment 71 unduly restricts ballot access for average
11 Coloradans, leaving an important democratic tool accessible only to those able to bear
12 the higher costs associated with a complicated signature-gathering process.

13 **Estimate of Fiscal Impact**

14 **State government spending.** Amendment 71 will increase costs for the
15 Secretary of State's Office to implement the changes.