

**Initiative #96
Requirements for Constitutional Amendments**

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

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

20 **Changes under Amendment ?.** Amendment ? 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 ? does not change the process or requirements for citizen initiatives that
24 amend statute.

25 **Signature requirements.** Amendment ? 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 ?, based on the 2 percent requirement and the number of registered
32 voters in these districts.

Table 1. Sample Signature Collection Requirements Under Amendment ?, 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	Jefferson County	118,644	2,373
District 29	Arapahoe County	82,963	1,659
District 35	16 counties in south and southeast Colorado	88,962	1,779

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 ? 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 ? 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 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 currently have a limited voice in determining which issues appear on the ballot.

1 **Arguments Against**

2 1) Amendment ? 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. It is critical to protect
5 the right of the voters to change the constitution because such changes can only be
6 amended in a future election, and this level of protection should be maintained.

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

12 **Estimate of Fiscal Impact**

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