

STATE

CONDITIONAL FISCAL IMPACT

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Prime Sponsor(s): Sen. Tapia
Rep. White

Bill Status: Senate SVMA

Fiscal Analyst: Chris Ward (303-866-5834)

TITLE: SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF COLORADO AN AMENDMENT TO SECTION 1 OF ARTICLE V OF THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING INITIATIVES, AND, IN CONNECTION THEREWITH, REQUIRING THE NUMBER OF SIGNATURES GATHERED ON A PROPOSED INITIATIVE PETITION FOR STATE LEGISLATION TO BE EQUAL TO AT LEAST FOUR PERCENT OF THE VOTES CAST IN THE PREVIOUS ELECTION FOR GOVERNOR; REQUIRING THE NUMBER OF SIGNATURES GATHERED ON A PROPOSED INITIATIVE PETITION FOR AN AMENDMENT TO THE CONSTITUTION TO BE EQUAL TO AT LEAST SIX PERCENT OF THE VOTES CAST IN THE PREVIOUS ELECTION FOR GOVERNOR; REQUIRING A MINIMUM NUMBER OF SIGNATURES FOR AN INITIATIVE PETITION TO AMEND THE STATE CONSTITUTION TO BE GATHERED FROM RESIDENTS OF EACH CONGRESSIONAL DISTRICT IN THE STATE; REQUIRING AN INITIATIVE PETITION FOR AN AMENDMENT TO THE CONSTITUTION TO BE FILED WITH THE SECRETARY OF STATE SEVEN MONTHS BEFORE AN ELECTION; AND REQUIRING A TWO-THIRDS VOTE OF ALL MEMBERS ELECTED TO EACH HOUSE OF THE GENERAL ASSEMBLY TO REPEAL OR AMEND ANY LAW ENACTED BY AN INITIATIVE FOR A PERIOD OF SIX YEARS AFTER THE LAW BECOMES EFFECTIVE.

Fiscal Impact Summary	FY 2008-2009	FY 2009-2010
State Revenue	\$ 0	\$ 0
State Expenditures		
Department of State Cash Fund	\$40,200	\$106,000
FTE Position Change	0.0 FTE	0.0 FTE
Effective Date: Upon voter approval at the 2008 general election.		
Appropriation Summary for FY 2008-2009: See State Appropriations section.		
Local Government Impact: None.		

Summary of Legislation

This concurrent resolution refers a constitutional amendment to voters at the 2008 general election to modify the requirements for citizen-initiated ballot measures submitted to voters at subsequent elections. Specifically, the measure:

- changes the minimum number of petition signatures required for a *constitutional* change to 6 percent of the votes cast in the previous election for governor;
- requires that 10 percent of the minimum number of signatures for a constitutional change be gathered from residents in each of the state's 7 congressional districts;

- requires petition signatures for a constitutional change to be filed with the Secretary of State 7 months before an election;
- changes the minimum number of petition signatures required for a *statutory* change to 4 percent of the votes cast in the previous election for governor; and
- prohibits repealing or amending any statutory change for 6 years after the law becomes effective without a two-thirds vote of each house of the General Assembly.

The fiscal impact of SCR 08-003 is considered conditional because the measure is subject to approval by voters at the November 2008 general election.

Background

Under current law, citizens may initiate changes to state law by collecting petition signatures in an amount equal to 5 percent of the number of votes cast for the office of Secretary of State in the last general election. Based on the number of votes cast in the 2006 general election the current requirement is 76,047 signatures. Under SCR 08-003, the requirement for proposed constitutional amendments would be 93,497 signatures, with at least 9,350 collected from each congressional district, and the requirement for proposed statutory amendments would be 62,331 signatures.

The Secretary of State verifies petitions by first checking a random sample of signatures submitted. If the random sampling does not lead to a determination that the number of valid signatures is either sufficient or not, the secretary must verify each signature until a sufficient number of valid signatures is found, or the petition is deemed insufficient. Random sampling leads to a determination of sufficiency for about 90 percent of all initiatives submitted.

Currently, an average of 6 initiative petitions are filed for each even-year election and 2 for each odd-year election. On average, about 80% of initiatives propose constitutional changes and 20% propose statutory changes. SCR 08-003 will not likely change the total number of initiatives filed each year, but it is expected to cause some petitioners to seek statutory changes instead of constitutional changes.

State Expenditures

Requiring that signatures be collected from each congressional district will likely increase the number of petitions requiring signature verification — rather than random sampling — and increase costs of the Department of State. Costs are estimated to increase **\$40,200 in FY 2008-09** and **\$106,000 in FY 2009-10**, but actual costs will differ depending on the number of petitions for constitutional amendments submitted and the number requiring signature verification versus random sampling. Compared to current law, costs for verifying petitions for constitutional changes are shifted to the prior fiscal year because petitions for these measures must be submitted 7 months prior to the election. Thus, FY 2008-09 costs are based on constitutional amendments proposed for the November 2009 election because petitions for these amendments must be submitted in April of 2009. Similarly, FY 2009-10 costs are for constitutional amendments submitted for the November 2010 election.

Election Expenditure Impacts (For Informational Purposes Only)

The bill refers a measure to the voters at the November 2008 general election. This measure will be published in newspapers and an analysis of the measure will be included in the Blue Book mailed to all registered voter households prior to the election. Under current law, costs for these functions will be paid through a General Fund line item in the Long Appropriations Bill. Table 1 below identifies the anticipated costs for the 2008 Blue Book.

Table 1. Cost to Produce and Distribute the 2008 Blue Book to All Registered Voter Households	
Printing	\$350,000
Postage	\$370,000
Translation	\$20,000
Newspaper Publication (English & Spanish)	\$600,000
Total Cost (12 issues)	\$1,340,000
Average Cost per Issue	\$111,667

State Appropriations

If voters approve the constitutional amendment referred under this measure, the Department of State will require an appropriation of \$40,200 in FY 2008-09 from the Department of State Cash Fund.

Departments Contacted

Legislature

Judicial

State