

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

REREVISED

LLS NO. R08-1041.01 Ed DeCecco

SCR08-003

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State, Veterans, & Military Affairs
Appropriations

SENATE CONCURRENT RESOLUTION 08-003

101 SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF
102 COLORADO AN AMENDMENT TO SECTION 1 OF ARTICLE V OF
103 THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING
104 BALLOT INITIATIVES, AND, IN CONNECTION THEREWITH,
105 INCREASING THE NUMBER OF SIGNATURES REQUIRED FOR A
106 PROPOSED INITIATIVE TO AMEND THE STATE CONSTITUTION;
107 REDUCING THE NUMBER OF SIGNATURES REQUIRED FOR A
108 PROPOSED STATUTORY INITIATIVE; REQUIRING A MINIMUM
109 NUMBER OF SIGNATURES FOR A PROPOSED INITIATIVE TO AMEND
110 THE STATE CONSTITUTION TO BE GATHERED FROM RESIDENTS
111 OF EACH CONGRESSIONAL DISTRICT IN THE STATE; INCREASING
112 THE TIME ALLOWED TO GATHER SIGNATURES FOR A PROPOSED
113 STATUTORY INITIATIVE; MODIFYING THE REVIEW OF INITIATIVE

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Am ended 3rd Reading
May 6, 2008

HOUSE
Am ended 2nd Reading
May 5, 2008

SENATE
3rd Reading Unamended
April 21, 2008

SENATE
Am ended 2nd Reading
April 18, 2008

101 **PETITIONS; ESTABLISHING A FILING DEADLINE FOR PROPOSED**
102 **INITIATIVES TO AMEND THE STATE CONSTITUTION; AND**
103 **REQUIRING A TWO-THIRDS VOTE OF ALL MEMBERS ELECTED TO**
104 **EACH HOUSE OF THE GENERAL ASSEMBLY TO AMEND, REPEAL,**
105 **OR SUPERSEDE ANY LAW ENACTED BY AN INITIATIVE FOR A**
106 **PERIOD OF FIVE YEARS AFTER THE LAW BECOMES EFFECTIVE.**

Resolution Summary

(Note: This summary applies to this resolution as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Establishes the minimum number of signatures of registered electors required for a proposed initiative, which is currently equal to 5% of the votes cast in the previous election for secretary of state, to be as follows:

- ! For a proposed initiated statute, 4% of the votes cast in the previous election for the office of governor; and
- ! For a proposed initiated amendment to the constitution, 6% of the votes cast in the previous election for the office of governor.

Requires a minimum number of signatures on an initiative petition to amend the state constitution to be gathered from residents in each congressional district in the state, which amount is equal to 70% of the minimum number of the total signatures required for such petition divided by the number of the United States congressional districts in Colorado.

Requires an initiative petition for an amendment to the constitution to be addressed to and filed with the secretary of state at least 7 months before the general or odd-year election at which it is to be voted upon, instead of 3 months as currently required.

Requires a 2/3 vote of all members elected to each house of the general assembly to repeal or amend an initiated statute for a period of 6 years after passage of the statute.

1 *Be It Resolved by the Senate of the Sixty-sixth General Assembly*
2 *of the State of Colorado, the House of Representatives concurring herein:*

3 **SECTION 1.** At the next election at which such question may be
4 submitted, there shall be submitted to the registered electors of the state

1 of Colorado, for their approval or rejection, the following amendment to
2 the constitution of the state of Colorado, to wit:

3 Section 1 (2), (4), and (5) of article V of the constitution of the
4 state of Colorado are amended to read:

5 **Section 1. General assembly - initiative and referendum.**

6 (2) The first power hereby reserved by the people is the initiative. ~~and~~
7 Signatures by registered electors in an amount equal to at least ~~five~~ FOUR
8 percent of the total number of votes cast for all candidates for the office
9 of ~~secretary of state~~ GOVERNOR at the previous general election shall be
10 required to propose ~~any measure by petition, and~~ AN INITIATIVE PETITION
11 FOR STATE LEGISLATION. SIGNATURES BY REGISTERED ELECTORS IN AN
12 AMOUNT EQUAL TO AT LEAST SIX PERCENT OF THE TOTAL NUMBER OF
13 VOTES CAST FOR ALL CANDIDATES FOR THE OFFICE OF GOVERNOR AT THE
14 PREVIOUS GENERAL ELECTION SHALL BE REQUIRED TO PROPOSE AN
15 INITIATIVE PETITION FOR AN AMENDMENT TO THE CONSTITUTION. FOR AN
16 INITIATIVE PETITION FOR AN AMENDMENT TO THE CONSTITUTION, THE
17 MINIMUM NUMBER OF SIGNATURES BY REGISTERED ELECTORS WHO RESIDE
18 IN EACH UNITED STATES CONGRESSIONAL DISTRICT IN COLORADO SHALL
19 BE AN AMOUNT EQUAL TO EIGHT PERCENT OF THE MINIMUM NUMBER OF
20 THE TOTAL SIGNATURES REQUIRED FOR SUCH PETITION. Every
21 ~~such~~ petition shall include the full text of the measure so proposed.
22 Initiative petitions for state legislation and amendments to the
23 constitution, in such form as may be prescribed pursuant to law, shall be
24 addressed to and filed with the secretary of state at least three months
25 before the general election at which they are to be voted upon. WITHIN
26 THIS DEADLINE, AN INITIATIVE PETITION FOR STATE LEGISLATION SHALL BE
27 FILED WITHIN NINE MONTHS FROM THE DATE THAT ITS BALLOT TITLE IS

1 **FINALLY SET.**

2 (4) The veto power of the governor shall not extend to measures
3 initiated by or referred to the people. All elections on measures initiated
4 by or referred to the people of the state shall be held at the biennial
5 regular general election, and all such measures shall become the law or
6 a part of the constitution, when approved by a majority of the votes cast
7 thereon, and not otherwise, and shall take effect from and after the date
8 of the official declaration of the vote thereon by proclamation of the
9 governor, but not later than thirty days after the vote has been canvassed.
10 This section shall not be construed to deprive the general assembly of the
11 power to enact any measure; EXCEPT THAT THE GENERAL ASSEMBLY
12 SHALL NOT **AMEND, REPEAL, OR SUPERSEDE** ANY LAW ENACTED BY AN
13 INITIATIVE FOR A PERIOD OF **FIVE** YEARS AFTER THE LAW BECOMES
14 EFFECTIVE UNLESS APPROVED BY A VOTE OF TWO-THIRDS OF ALL THE
15 MEMBERS ELECTED TO EACH HOUSE.

16 (5) (a) **The original draft of the text of proposed initiated**
17 **constitutional amendments and initiated laws shall be submitted to the**
18 **legislative research and drafting offices of the general assembly for**
19 **review and comment. NO LATER THAN TWO WEEKS AFTER SUBMISSION OF**
20 **THE ORIGINAL DRAFT OF ANY PROPOSED MEASURE, UNLESS WITHDRAWN**
21 **BY THE PROPONENTS, THE LEGISLATIVE RESEARCH AND DRAFTING OFFICES**
22 **OF THE GENERAL ASSEMBLY SHALL PREPARE A MEMORANDUM THAT**
23 **INCLUDES THEIR COMMENTS ON THE PETITION AND TRANSMIT THE**
24 **MEMORANDUM TO THE PROPONENTS. No later than ~~two~~ THREE weeks after**
25 **submission of the original draft, unless withdrawn by the proponents, the**
26 **legislative research and drafting offices of the general assembly shall**
27 **render their comments to the proponents of the proposed measure at a**

1 meeting open to the public, which shall be held only after full and timely
2 notice to the public. ~~Such~~ PRIOR TO THE MEETING, THE LEGISLATIVE
3 RESEARCH AND DRAFTING OFFICES OF THE GENERAL ASSEMBLY SHALL
4 MAKE THE MEMORANDUM AND ORIGINAL DRAFT OF THE PROPOSED
5 MEASURE PUBLICLY AVAILABLE. AT THE MEETING, MEMBERS OF THE
6 PUBLIC SHALL BE GIVEN AN OPPORTUNITY TO PROVIDE COMMENT ON THE
7 PROPOSED MEASURE AND THE ISSUES RAISED IN THE MEMORANDUM.
8 MEMBERS OF THE GENERAL ASSEMBLY MAY ALSO PROVIDE COMMENT AT
9 THE MEETING. THE meeting shall be held prior to the fixing of a ballot
10 title. Neither the general assembly nor its committees or agencies shall
11 have any power to require the amendment, modification, or other
12 alteration of the text of any such proposed measure or to establish
13 deadlines for the submission of the original draft of the text of any
14 proposed measure.

15 (b) IN THE CASE OF A PROPOSED INITIATED CONSTITUTIONAL
16 AMENDMENT, THE ORIGINAL DRAFT OF THE PROPOSED MEASURE SHALL BE
17 SUBMITTED TO THE LEGISLATIVE RESEARCH AND DRAFTING OFFICES OF
18 THE GENERAL ASSEMBLY NO LATER THAN THE SIXTIETH DAY OF THE
19 LEGISLATIVE SESSION PRIOR TO THE ELECTION AT WHICH THE MEASURE IS
20 TO BE VOTED UPON. THE GENERAL ASSEMBLY MAY CONDUCT HEARINGS
21 TO REVIEW A PROPOSED INITIATED CONSTITUTIONAL AMENDMENT. SUCH
22 HEARINGS SHALL BE OPEN TO THE PUBLIC AND SHALL INCLUDE AN
23 OPPORTUNITY FOR PUBLIC TESTIMONY.

24 **SECTION 2.** Each elector voting at said election and desirous of
25 voting for or against said amendment shall cast a vote as provided by law
26 either "Yes" or "No" on the proposition: "SHALL THERE BE AN
27 AMENDMENT TO THE COLORADO CONSTITUTION CONCERNING BALLOT

1 INITIATIVES, AND, IN CONNECTION THEREWITH, INCREASING THE NUMBER
2 OF SIGNATURES REQUIRED FOR A PROPOSED INITIATIVE TO AMEND THE
3 STATE CONSTITUTION; REDUCING THE NUMBER OF SIGNATURES REQUIRED
4 FOR A PROPOSED STATUTORY INITIATIVE; REQUIRING A MINIMUM NUMBER
5 OF SIGNATURES FOR A PROPOSED INITIATIVE TO AMEND THE STATE
6 CONSTITUTION TO BE GATHERED FROM RESIDENTS OF EACH
7 CONGRESSIONAL DISTRICT IN THE STATE; INCREASING THE TIME ALLOWED
8 TO GATHER SIGNATURES FOR A PROPOSED STATUTORY INITIATIVE;
9 MODIFYING THE REVIEW OF INITIATIVE PETITIONS; ESTABLISHING A FILING
10 DEADLINE FOR PROPOSED INITIATIVES TO AMEND THE STATE
11 CONSTITUTION; AND REQUIRING A TWO-THIRDS VOTE OF ALL MEMBERS
12 ELECTED TO EACH HOUSE OF THE GENERAL ASSEMBLY TO AMEND, REPEAL,
13 OR SUPERSEDE ANY LAW ENACTED BY AN INITIATIVE FOR A PERIOD OF FIVE
14 YEARS AFTER THE LAW BECOMES EFFECTIVE?"

15 **SECTION 3.** The votes cast for the adoption or rejection of said
16 amendment shall be canvassed and the result determined in the manner
17 provided by law for the canvassing of votes for representatives in
18 Congress, and if a majority of the electors voting on the question shall
19 have voted "Yes", the said amendment shall become a part of the state
20 constitution.