

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

REVISED

LLS NO. R08-1041.01 Ed DeCecco

SCR08-003

SENATE SPONSORSHIP

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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 **INITIATIVES, AND, IN CONNECTION THEREWITH, REQUIRING THE**
105 **NUMBER OF SIGNATURES GATHERED ON A PROPOSED INITIATIVE**
106 **PETITION FOR STATE LEGISLATION TO BE EQUAL TO AT LEAST**
107 **FOUR PERCENT OF THE VOTES CAST IN THE PREVIOUS ELECTION**
108 **FOR GOVERNOR; REQUIRING THE NUMBER OF SIGNATURES**
109 **GATHERED ON A PROPOSED INITIATIVE PETITION FOR AN**
110 **AMENDMENT TO THE CONSTITUTION TO BE EQUAL TO AT LEAST**
111 **SIX PERCENT OF THE VOTES CAST IN THE PREVIOUS ELECTION**
112 **FOR GOVERNOR; REQUIRING A MINIMUM NUMBER OF**
113 **SIGNATURES FOR AN INITIATIVE PETITION TO AMEND THE STATE**

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 2nd Reading
May 5, 2008

SENATE
3rd Reading Unam ended
April 21, 2008

SENATE
Am ended 2nd Reading
April 18, 2008

101 CONSTITUTION TO BE GATHERED FROM RESIDENTS OF EACH
102 CONGRESSIONAL DISTRICT IN THE STATE; REQUIRING A
103 PROPOSED INITIATIVE PETITION FOR STATE LEGISLATION TO BE
104 FILED WITHIN NINE MONTHS FROM THE DATE ITS BALLOT TITLE
105 IS FINALLY SET; PROVIDING FOR ADDITIONAL REVIEW OF
106 INITIATIVE PETITIONS; AND REQUIRING A TWO-THIRDS VOTE OF
107 ALL MEMBERS ELECTED TO EACH HOUSE OF THE GENERAL
108 ASSEMBLY TO AMEND, REPEAL, OR SUPERSEDE ANY LAW
109 ENACTED BY AN INITIATIVE FOR A PERIOD OF FIVE YEARS AFTER
110 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*

1 *of the State of Colorado, the House of Representatives concurring herein:*

2 **SECTION 1.** At the next election at which such question may be
3 submitted, there shall be submitted to the registered electors of the state
4 of Colorado, for their approval or rejection, the following amendment to
5 the constitution of the state of Colorado, to wit:

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

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

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

1 before the general election at which they are to be voted upon. WITHIN
2 THIS DEADLINE, AN INITIATIVE PETITION FOR STATE LEGISLATION SHALL BE
3 FILED WITHIN NINE MONTHS FROM THE DATE THAT ITS BALLOT TITLE IS
4 FINALLY SET.

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

19 (5) The original draft of the text of proposed initiated
20 constitutional amendments and initiated laws shall be submitted to the
21 legislative research and drafting offices of the general assembly for
22 review and comment. IN THE CASE OF A PROPOSED INITIATED
23 CONSTITUTIONAL AMENDMENT, THE ORIGINAL DRAFT OF THE PROPOSED
24 MEASURE SHALL BE SUBMITTED TO SUCH OFFICES NO LATER THAN THE
25 SIXTIETH DAY OF THE LEGISLATIVE SESSION PRIOR TO THE ELECTION AT
26 WHICH THE MEASURE IS TO BE VOTED UPON. NO LATER THAN TWO WEEKS
27 AFTER SUBMISSION OF THE ORIGINAL DRAFT OF ANY PROPOSED MEASURE,

1 UNLESS WITHDRAWN BY THE PROPONENTS, THE LEGISLATIVE RESEARCH
2 AND DRAFTING OFFICES OF THE GENERAL ASSEMBLY SHALL PREPARE A
3 MEMORANDUM THAT INCLUDES THEIR COMMENTS ON THE PETITION AND
4 TRANSMIT THE MEMORANDUM TO THE PROPONENTS. No later than two
5 THREE weeks after submission of the original draft, unless withdrawn by
6 the proponents, the legislative research and drafting offices of the general
7 assembly shall render their comments to the proponents of the proposed
8 measure at a meeting open to the public, which shall be held only after
9 full and timely notice to the public. ~~Such~~ PRIOR TO THE MEETING, THE
10 LEGISLATIVE RESEARCH AND DRAFTING OFFICES OF THE GENERAL
11 ASSEMBLY SHALL MAKE THE MEMORANDUM AND ORIGINAL DRAFT OF THE
12 PROPOSED MEASURE PUBLICLY AVAILABLE. AT THE MEETING, MEMBERS
13 OF THE PUBLIC SHALL BE GIVEN AN OPPORTUNITY TO PROVIDE COMMENT
14 ON THE PROPOSED MEASURE AND THE ISSUES RAISED IN THE
15 MEMORANDUM. MEMBERS OF THE GENERAL ASSEMBLY MAY ALSO
16 PROVIDE COMMENT AT THE MEETING. THE meeting shall be held prior to
17 the fixing of a ballot title. THE GENERAL ASSEMBLY MAY CONDUCT
18 HEARINGS TO REVIEW A PROPOSED INITIATED CONSTITUTIONAL
19 AMENDMENT. SUCH HEARINGS SHALL BE OPEN TO THE PUBLIC AND SHALL
20 INCLUDE AN OPPORTUNITY FOR PUBLIC TESTIMONY. Neither the general
21 assembly nor its committees or agencies shall have any power to require
22 the amendment, modification, or other alteration of the text of any such
23 proposed measure or to establish deadlines for the submission of the
24 original draft of the text of any proposed measure.

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

1 1 OF ARTICLE V OF THE CONSTITUTION OF THE STATE OF COLORADO,
2 CONCERNING INITIATIVES, AND, IN CONNECTION THEREWITH, REQUIRING
3 THE NUMBER OF SIGNATURES GATHERED ON A PROPOSED INITIATIVE
4 PETITION FOR STATE LEGISLATION TO BE EQUAL TO AT LEAST FOUR
5 PERCENT OF THE VOTES CAST IN THE PREVIOUS ELECTION FOR GOVERNOR;
6 REQUIRING THE NUMBER OF SIGNATURES GATHERED ON A PROPOSED
7 INITIATIVE PETITION FOR AN AMENDMENT TO THE CONSTITUTION TO BE
8 EQUAL TO AT LEAST SIX PERCENT OF THE VOTES CAST IN THE PREVIOUS
9 ELECTION FOR GOVERNOR; REQUIRING A MINIMUM NUMBER OF
10 SIGNATURES FOR AN INITIATIVE PETITION TO AMEND THE STATE
11 CONSTITUTION TO BE GATHERED FROM RESIDENTS OF EACH
12 CONGRESSIONAL DISTRICT IN THE STATE; REQUIRING A PROPOSED
13 INITIATIVE PETITION FOR STATE LEGISLATION TO BE FILED WITHIN NINE
14 MONTHS FROM THE DATE ITS BALLOT TITLE IS FINALLY SET; PROVIDING FOR
15 ADDITIONAL REVIEW OF INITIATIVE PETITIONS; AND REQUIRING A
16 TWO-THIRDS VOTE OF ALL MEMBERS ELECTED TO EACH HOUSE OF THE
17 GENERAL ASSEMBLY TO AMEND, REPEAL, OR SUPERSEDE ANY LAW
18 ENACTED BY AN INITIATIVE FOR A PERIOD OF FIVE YEARS AFTER THE LAW
19 BECOMES EFFECTIVE."

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